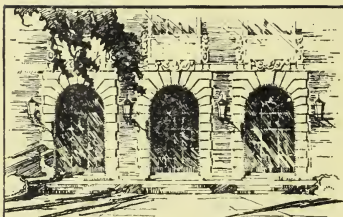


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—THE—

# REVISED ORDINANCES

—OF—

## EPHRAIM CITY.

INCORPORATED FEB. 14, 1868.

REVISED, CODIFIED AND PUBLISHED BY AUTHORITY OF  
THE MAYOR AND COUNCIL OF SAID CITY BY

F. K. NEBEKER,  
I. C. THORESEN,

OFFICIAL REVISORS.

1899.



TOGETHER WITH EXTRACTS FROM THE CONSTITUTION AND LAWS  
OF THE STATE OF UTAH RELATIVE TO CITIES AND TOWNS.  
ALSO THE NAMES OF CITY OFFICERS AND STANDING  
COMMITTEES, AND RULES FOR THE GOVERN-  
MENT OF THE CITY COUNCIL.

## CERTIFICATE.

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STATE OF UTAH,  
COUNTY OF SANPETE,  
CITY OF EPHRAIM. } ss.

I, Adolph Hansen, City Recorder of Ephraim City, do hereby certify that F. K. Nebeker and I. C. Thoresen, were duly appointed the official Revisors of the City Ordinances of Ephraim City by the Mayor and confirmed by the City Council of said City, on the 20th day of June A. D. 1898.

Witness my hand and the Corporate Seal of said City, this 25th day of June A. D. 1898.



ADOLPH HANSEN,  
City Recorder.

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1899

## NAMES OF ELECTED OFFICERS.

For Ephraim City, 1898-9.

Mayor.—J. P. Hansen, Jr.

Councilmen.—Peter Schwalbe, Christian Frandsen, W.

J. Armstrong, C. R. Dorius, A. W. Jensen.

Recorder.—Adolph Hansen.

Treasurer.—Laura Hansen.

Justice.—J. P. Anderson.

Marshal.—David N. Beal.

## APPOINTED OFFICERS.

Attorney.—W. K. Reid.

Supervisor of Streets.—Thos. P. Peterson.

Poundkeeper.—Ras. Hansen.

Sexton.—John C. Johnson.

Watermaster.—R. Rasmussen.

## STANDING COMMITTEES.

*On Ways and Means:* Wm. J. Armstrong, A. W. Jensen.

*On Judiciary:* A. W. Jensen, Peter Schwalbe.

*On Irrigation:* C. R. Dorius, Wm. J. Armstrong.

*On Public Property and Grounds:* Peter Schwalbe, Christian Frandsen.

*On Streets:* Christian Frandsen, C. R. Dorius.

*On Cemetery:* Peter Schwalbe, Christian Frandsen.

*Board of Health:* Wm. J. Armstrong, A. W. Jensen.

1179301

## **BOUNDARIES OF EPHRAIM CITY.**

AS AMENDED MAR. 1, 1884.

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Commencing at the center of section ten in township seventeen south, range three east, Salt Lake meridian, thence one and a half miles west, thence one and a half miles north, thence one and a half miles east, thence one and a half miles south to the place of beginning.

# Constitutional Provisions.

## RELATIVE TO CITIES AND TOWNS.

### ARTICLE IV.

SEC. 10. **Oath of office.** All officers made elective or appointive by this Constitution or by the laws made in pursuance thereof, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation:

“I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this State, and that I will discharge the duties of my office with fidelity.”

### ARTICLE VI.

SEC. 29. **Municipal powers not to be delegated.** The Legislature shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, to levy taxes, to select a capitol site, or to perform any municipal functions.

SEC. 30. **Extra compensation to officers and contractors forbidden.** The Legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation, fee or allowance to any public officer, agent, servant or contractor, after service has been rendered or a contract has been entered

into and performed in whole or in part, nor pay or authorize the payment of any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without authority of law: *Provided*, That this section shall not apply to claims incurred by public officers in the execution of the laws of the State.

**SEC. 31. Lending public credit forbidden.** The Legislature shall not authorize the State, or any county, city, town, township, district or other political subdivision of the State to lend its credit or subscribe to stock or bonds in aid of any railroad, telegraph or other private individual or corporate enterprise or undertaking.

## ARTICLE X.

**SEC. 13. Public aid to church schools forbidden.** Neither the Legislature nor any county, city, town, school district or other public corporation, shall make any appropriation to aid in the support of any school, seminary, academy, college, university or other institution, controlled in whole, or in part, by any church, sect or denomination whatever.

## ARTICLE XI.

**SEC. 6. Municipalities forbidden to sell water works or rights.** No municipal corporation shall directly or indirectly, lease, sell, alien or dispose of any water works, water-rights or sources of water supply now, or hereafter owned or controlled by it; but all such water-works, water-rights and sources of water supply now owned or hereafter to be acquired by any municipal corporation, shall be preserved, maintained and operated by it for supplying its inhabitants with water at reasonable charges: *Provided*, that nothing herein contained shall be construed to prevent any such municipal corporation from exchanging water-rights, or sources of water supply, for other water-rights or sources of water supply of equal value, and to be devoted in like manner to the public supply of its inhabitants.



## ARTICLE XII.

**SEC. 17. Employee of corporation ineligible to municipal office, when.** No officer, employee, attorney or agent of any corporation, company or association doing business under, or by virtue of any municipal charter or franchise, shall be eligible to or permitted to hold any municipal office, in the municipality granting such charter or franchise.

## ARTICLE XIV.

**SEC. 3. Debts of counties, cities, etc., not to exceed revenue. Exception.** No debt in excess of the taxes for the current year shall be created by any county or sub-division thereof, or by any school district therein, or by any city, town or village, or any sub-division thereof in this State; unless the proposition to create such debt, shall have been submitted to a vote of such qualified electors as shall have paid a property tax therein, in the year preceding such election, and a majority of those voting thereon shall have voted in favor of incurring such debt.

**SEC. 4. Limit of indebtedness, counties, cities, etc.** When authorized to create indebtedness as provided in Section three of this article, no county shall become indebted to an amount, including existing indebtedness, exceeding two per centum. No city, town, school district or other municipal corporation, shall become indebted to an amount, including existing indebtedness, exceeding four per centum of the value of the taxable property therein, the value to be ascertained by the last assessment for State and county purposes, previous to the incurring of such indebtedness; except that in incorporated cities the assessment shall be taken from the last assessment for city purposes; *Provided*, that no part of the indebtedness allowed in this section, shall be incurred for other than strictly county, city, town or school district purposes; *Provided*, further, That any city or town, when authorized as provided in section three of this article, may be allowed to become in-

debted to a larger indebtedness, not exceeding four per centum additional, for supplying such city or town with water, artificial lights or sewers, when the works for supplying such water, light and sewers, shall be owned and controlled by the municipality.

**SEC. 5. Borrowed money to be applied to authorized use.** All moneys borrowed by, or on behalf of the State, or any legal sub-division thereof, shall be used solely for the purpose specified in the law authorizing the loan.

**SEC. 7. Existing indebtedness not impaired.** Nothing in this article shall be so construed as to impair or add to the obligation of any debt heretofore contracted in accordance with the laws of Utah Territory, by any county, city, town, or school district, or to prevent the contracting of any debt, or the issuing of bonds therefor, in accordance with said laws, upon any proposition for that purpose, which, according to said laws, may have been submitted to a vote of the qualified electors of any county, city, town, or school district before the day on which this Constitution takes effect.

## ARTICLE XVI.

**SEC. 6. Eight hours a day's labor on public works.** Eight hours shall constitute a day's work on all works or undertakings carried on by the state, county or municipal governments. \* \* \* \*

## ARTICLE XVII.

**SEC. 1. Existing rights confirmed.** All existing rights to the use of any of the waters in this State for any useful or beneficial purpose, are hereby recognized and confirmed.

## ARTICLE XXI.

**SEC. 1. Public officers to be paid salaries. Exception.** All State, district, city, county, town and

school officers, excepting notaries public, boards of arbitration, court commissioners, justices of the peace and constables, shall be paid fixed and definite salaries; *Provided*, That city justices may be paid by salary when so determined by the mayor and council of such cities.

**SEC. 2. Legislature to provide fees. Accounting.** The Legislature shall provide by law, the fees which shall be collected by all officers within the State. Notaries public, boards of arbitration, court commissioners, justices of the peace, and constables paid by fees, shall accept said fees as their full compensation. But all other State, district, county, city, town and school officers, shall be required by law to keep a true and correct account of all fees collected by them, and to pay the same into the proper treasury, and the officer whose duty it is to collect such fees shall be held responsible under his bond for the same.

# Statutory Provisions.

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## *RELATIVE TO CITIES AND TOWNS.*

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### CERTIFICATION OF BONDS AND WARRANTS.

SEC. 146. **By whom.** The county clerk or the county auditor of each county, the auditor or the recorder of each city, the clerk of each board of education, and the clerk of each school district in this state shall indorse a certificate upon every bond, warrant, or other evidence of debt, issued pursuant to law, by any such officer, that the same is within the lawful debt limit of such county, city, board of education, or school district, respectively, and is issued according to law. He shall sign such certificate in his official character.

147. **Provisions governing.** Warrants for interest on the bonded debt, for salaries, and for the current expenses of any county, city, school district, or board of education in this state may be certified by the county clerk, county auditor, city recorder, city auditor, clerk of the school district, or clerk of the board of education, to be within the lawful debt limit of such county, city, board of education, or school district, whenever the same, together with all other indebtedness of said city, county, board of education, or school district shall not exceed the amount of the indebtedness of such city, county, board of education, or school district at the time of the admission of this state into the Union, in addition to the whole amount of taxes of

such county, city, board of education, or school district for the year in and for which such warrant or warrants are issued.

148. **Protection to officer certifying.** Whenever a board of county commissioners, city council, trustees of a school district, or board of education of any such county, city, or school district shall find or declare that any appropriation or expenditure for which a warrant or warrants are to be issued, was or is for interest upon the bonded debt, for salaries, or for the current expenses of such county, city, board of education, or school district, such finding or declaration shall conclusively protect the county clerk, county auditor, city recorder, city auditor, clerk of the school district, or clerk of the board of education of any such county, city, school district, or board of education, as to such facts, in certifying any warrant or warrants therefor to be within the lawful debt limit of such county, city, board of education, or school district.

149. **Penalty.** Any person mentioned in section one hundred and forty-six who shall neglect to indorse any certificate required thereby, or who shall make any such certificate falsely and fraudulently, shall be guilty of a misdemeanor, and punishable by a fine, not exceeding one thousand dollars, or imprisonment in the county jail, not exceeding one year, or by both such fine and imprisonment.

#### INCORPORATION AND CLASSIFICATION.

174. **Classification of cities.** Municipal corporations in this state now existing and those hereafter organized shall be, and the same are hereby divided into three classes. Those cities having twenty thousand or more inhabitants shall be known as cities of the first class; those cities having more than five thousand and less than twenty thousand inhabitants shall be known as cities of the second class; and all other cities shall be known as cities of the third class.

175. **Change of class.** Whenever any city of the second class shall have attained the population of twenty thousand or more, or any city of the third class, or town, shall have obtained the population of five thousand or more, and such fact shall have been duly ascertained and certified to the governor by the mayor or the president of the board of trustees, he shall declare, by public proclamation, such city or town to be of the first or of the second class, as the case may be, and such city or town, thus changed, shall be governed by the provisions of this title applicable to cities of such class.

176. **Judicial notice of change.** All courts in this state shall take judicial notice of the change of the organization of any city or town.

177. **Legal results of change in classification.** All rights and property of every kind and description which were vested in any municipal corporation under its former organization shall be deemed and held to be vested in the same municipal corporation upon its becoming incorporated under the provisions of this title; but no rights or liabilities, either in favor of or against such incorporation existing at the time of becoming so incorporated under this title, and no action or prosecution of any kind shall be affected by such change; but the same shall stand and progress as if no change had been made; *provided*, that whenever a different remedy is given by this title, which may properly be made applicable to any right existing at the time of such city or town becoming so incorporated under this title, the same shall be deemed cumulative to the remedy before provided, and used accordingly.

178. **Id. Ordinances [Continued in force.]** All ordinances and resolutions in force in any city or town when it shall change its organization under this title, shall continue in full force and effect until repealed or amended, notwithstanding such change of organization; and the making of such change of organization shall not be construed to



affect the change in the legal identity of the corporation of such city or town; *provided*, that such ordinances and resolutions do not conflict with the provisions of this title.

**179. Id. Officers.** When any town or city shall, by proclamation of the governor, become a city of the second class, or any city of the second class shall in like manner become a city of the first class, the officers then in office shall continue to be the officers of the city until the next municipal election, and until their successors shall be duly elected and qualified. When new territory is organized as a city or town, or a town becomes a city, by petition and vote of the people, the officers first elected shall serve until the next municipal election, and until their successors shall be duly elected and qualified.

**180. General powers of corporation.** Cities and towns incorporated under this title shall be bodies politic and corporate and shall be known and designated by the name and style adopted, and under such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for corporate purposes, have a common seal, and may change the same at pleasure, have perpetual succession, and exercise all the powers hereinafter conferred.

**182. Government.** The municipal government of all incorporated cities is hereby vested in a mayor and a city council. In cities of the first class, the city council shall be composed of fifteen councilmen, three from each ward; in cities of the second class, of ten councilmen, two from each ward; and in cities of the third class, of five councilmen, chosen at large by the qualified voters of the city.

**183. Mayor and councilmen. Qualifications.** Mayors and councilmen shall be qualified voters within their respective cities, and councilmen of cities of the first and of the second class shall be qualified voters of their respective wards.

184. **Id. How chosen.** Mayors shall be chosen by the qualified voters of their respective cities, and councilmen of cities of the first and of the second class, by the qualified voters of their respective wards.

MAYOR.

185. **Mayor and mayor pro tem.** The chief executive of a city shall be the mayor and during his temporary absence or disability the city council shall elect one of its number to act as mayor pro tem., who, during such absence or disability, shall possess the power of mayor.

186. **Vacancy.** Whenever a vacancy shall happen in the office of mayor, the city council shall elect a mayor, who shall possess all the rights and powers of mayor until the next municipal election, and until his successor is elected and qualified.

187. **Removal.** If a mayor, at any time during his term of office, shall remove from the limits of the city, his office shall thereby become vacant.

188. **Mayor to preside over council, when.** In cities of the third class, the mayor shall preside at all meetings of the city council, but shall not vote except in case of a tie, when he shall give the casting vote.

189. **Powers, generally.** He may exercise within the city limits the powers conferred upon him to suppress disorder and keep peace; and he may remit fines and forfeitures and release any person imprisoned for violation of any city ordinance, and shall report such remittance or release, with the cause thereof, to the city council at its next session.

190. **Duties.** He shall perform all duties which are or may be prescribed by law, or by ordinance, and shall see that the laws and ordinances are faithfully executed.

191. **May examine books.** He shall have power at all times to examine and inspect the books, records, and papers of any officer or agent employed by the city.

192. **Messages.** The mayor shall from time to time, give the council information relative to the affairs of the city, and shall recommend for their consideration such measures as he may deem expedient.

193. **May call out inhabitants.** He shall have power, when necessary, to call upon every male inhabitant of the city over the age of twenty-one years to aid in enforcing the laws and ordinances, in suppressing riots and other disorderly conduct, or in carrying into effect any law or ordinance of the city.

194. **Revision of ordinances.** He may appoint, by and with the advice of the city council, one or more competent persons to prepare and submit to the city council for their adoption or rejection, an ordinance in revision of the ordinances of such city, and for the government of such city, the compensation of such revisors to be determined and fixed by the city council and paid out of the city treasury.

196. **Map of city to be recorded.** It shall be the duty of the mayor of each city in the state to have recorded in the recorder's office in the county in which such city is located, a plat or map describing the correct boundaries of such city, if the said records do not contain a record of such boundaries.

#### COUNCILMEN.

197. **Vacancies.** If any vacancy shall occur in the office of councilman by death, resignation, removal, or otherwise, such vacancy shall be filled for the unexpired term by appointment of the city council, from the ward in which the vacancy occurs.

198. **Rules. Disorderly conduct. Expulsion.** The council shall determine its own rules of proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members of the council, may expel a member for cause.

200. **Quorum.** The majority of the council elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absentees under such penalties as may be prescribed by ordinance.

201. **Meetings.** The city council shall prescribe the time and place of holding its meetings; *provided*, that at least one meeting shall be held each month, and the mayor or any two members of the council may call a special meeting by giving a notice of it to each of the members of the council served personally or left at his usual place of abode.

202. **Id. Voting. Passage of ordinances.** It shall sit with open doors and keep a journal of its own proceedings. The yeas and nays shall be taken upon the passage of all ordinances and all propositions to create any liability against the city, and in all other cases at the request of any member, which shall be entered upon the journal of its proceedings. The concurrence of a majority of the members elected to the city council shall be necessary to the passage of any such ordinance or proposition.

203. **Reconsideration of vote.** No vote of the city council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of councilmen as were present when such vote was taken.

204. **Deferring action on reports.** Any report of a committee of the council shall be deferred for final action thereon to the next regular meeting of the council after the report is made, by request of any two members of the council.

205. **When ordinances take effect. Publication.** All ordinances, before taking effect, shall be deposited in the office of the city recorder, and published at least once in some newspaper published within the city, or if there is no newspaper published in the city, then by posting

in three public places therein, and shall go into effect on the twentieth day after its publication, unless provided in the ordinance that it shall take effect at an earlier or a later date; *provided*, that whenever a revision is made and the revised ordinances are published by authority of the city council, no further publication shall be deemed necessary. The city recorder shall record all ordinances in a book kept for that purpose, together with the affidavits of publication by the publisher, or his agent, or, if posted, with certificates of the due posting thereof; and said book, or a certified copy of the ordinances, under the seal of the city, shall be received as evidence in all courts and places without further proof, or if printed in book or pamphlet form by authority of the city council, they shall be so received.

#### POWERS OF CITY COUNCIL.

206. **Enumeration.** The city council shall have the following powers:

1. **Finance and property.** To control the finances and property of the corporation.

2. **Appropriations. Property.** To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation; and to purchase, receive, hold, sell, lease, convey, and dispose of property, real and personal, for the benefit of the city, both within and without its corporate boundaries; to improve and protect such property, and to do all other things in relation thereto as natural persons.

3. **Taxes.** To levy and collect taxes for general and special purposes on real and personal property as provided by law.

4. **Licenses.** To fix the amount, terms, and manner of issuing licenses.

5. **Public buildings.** To erect all needful buildings for the use of the city.



6. **Borrow money.** To borrow money on the credit of the corporation for corporate purposes, in the manner and to the extent allowed by the constitution and the laws, and to issue warrants and bonds therefor, in such amounts and forms and on such conditions as the council shall determine. The council shall provide for the payment of the interest on such bonds as the same shall become due, and for a sinking fund for the payment of the principal thereof within twenty years after issuing the same.

(Limitation on creating indebtedness, Con., Art. 14, Sec. 3-4.

7. **Bonds.** To issue bonds in place of or to supply means to meet maturing bonds or for the consolidation or funding of the same.

8. **Streets, etc.** To lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, alleys, avenues, sidewalks, parks, and public grounds; and to vacate the same.

9. **Trees.** To plant or direct and regulate the planting of ornamental and shade trees in streets, avenues, sidewalks, parks, and public grounds.

10. **Use of streets.** To regulate the use of streets, alleys, avenues, sidewalks, cross walks, parks, and public grounds.

11. **Id. Obstructions.** To prevent and remove obstructions and encroachments upon the same.

12. **Id. Lighting, etc.** To provide for the lighting, sprinkling, and cleansing of the same.

13. **Id. Gas pipes, etc.** To regulate the opening and use thereof for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels, and drains.

14. **Water, gas, light, etc.** To construct and maintain water works, gas works, electric light works, telephone lines, street railways, or bath houses, or to authorize the construction and maintenance of the same by others, or to



purchase or lease any or all of said works from any person or corporation.

15. **Protect water supply.** To construct or authorize the construction of water works without their limits; and for the purpose of maintaining and protecting the same from injury and the water from pollution, their jurisdiction shall extend over the territory occupied by such works; and over all reservoirs, streams, canals, ditches, pipes, and drains used in, and necessary for the construction, maintenance, and operation of the same, and over the stream or source from which the water is taken, for ten miles above the point from which it is taken; and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

16. **Tax districts.** To divide the city into districts for the purpose of local taxation, or to create districts for that purpose, as occasion may require.

17. **Control water.** To control the water and water courses leading to the city, and to regulate and control the water courses and mill privileges within the city; *provided*, that the control shall not be exercised to the injury of any rights already acquired by actual owners.

18. **Purchase or lease water.** To construct, purchase or lease, and maintain canals, ditches, and reservoirs, and to purchase or lease springs, streams, or sources of water supply for the purpose of providing water for irrigation, domestic, or other purposes; and if necessary to secure said sources of water supply, to purchase or lease the land upon which said water has been appropriated or applied.

19. **Lighting works and contracts.** To contract with and authorize any person, company, or association to construct gas works, electric, or other lighting works in said city, and give such persons, company, or association the privilege of furnishing light for the public buildings, streets, sidewalks, and alleys of said city, for any length of time not exceeding three years.

**20. Street lighting. Regulation of gas companies, etc. Prices.** To provide for the lighting of streets, laying down of gas pipes, and erection of lamp posts; to regulate the sale and use of gas, natural gas, and electric or other lights, and electric power, the charge therefor and the rent of meters within the city, and to regulate the inspection thereof; to prohibit or regulate the erection of telegraph, telephone, or electric wire poles in the public grounds, streets, or alleys, and the placing of wires thereon; and to require the removal from the public grounds, streets, or alleys, of any or all such poles, and the placing underground of any or all telegraph, telephone, or electric wires.

**21. Water rates.** To fix the rate to be paid for the use of water furnished by the city, or by any person or corporation.

**22. Use of sidewalks.** To regulate the use of sidewalks and all structures thereunder or thereover, and to require the owner or occupant of any property to keep the sidewalks in front of or along the same free from snow and all other obstructions.

**23. Obstructing streets.** To regulate and prevent the throwing and depositing of ashes, offal, dirt, garbage, or any offensive matter in, and to prevent injury or obstruction to, any street, avenue, alley, park, or public ground.

**24. Curbs and gutters.** To provide for and regulate cross walks, curbs and gutters.

**25. Awnings, etc.** To regulate or prevent the use of streets, sidewalks, public buildings, and grounds, for signs, sign posts, awnings, telegraph or telephone poles, horse troughs, or racks, or for posting hand bills or advertisements.

**26. Hand bills, etc.** To regulate or prohibit the exhibition, distribution or carrying of placards or hand bills in the streets, public grounds, or upon the sidewalks.

**27. Banners, etc.** To regulate or prevent the flying

of flags, banners, or signs across the streets, or from houses.

28. **Street traffic.** To regulate or prohibit traffic and sales upon the streets, sidewalks, and public places.

29. **Id. Speed of horses, etc.** To regulate the speed of horses and other animals, bicycles, and other vehicles, and cars and locomotives within the limits of the corporation; and to prevent horse racing, immoderate driving or riding in the streets.

30. **Numbering houses.** To regulate the numbering of houses and lots.

31. **Naming streets.** To name streets, avenues, and other public places, and to change the names thereof.

32. **Railroad tracks.** To permit, regulate, or prohibit the locating, constructing, or laying the track of any railroad or tramway in any street, alley, or public place; but such permission shall not be for a longer time than fifty years.

33. **Id.** To provide for or change the location, grade, or crossing of any railroad; and to declare a nuisance, and to take up and remove, or to cause to be taken up and removed, the tracks of any street railway company which shall have been laid upon the streets or highways of the city and which such railway company has failed to operate with cars for public use for the period of nine months after the laying thereof.

34. **Railroad fences, crossings, etc.** To require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle guards, crossings of streets and of public roads, and keep the same in repair within the limits of the corporation.

35. **Flagmen. Crossings. Drainage.** To require railroad companies to keep flagmen at railroad crossings of streets or otherwise to provide protection against injury to persons and property; to compel such companies to raise or

lower their railroad tracks to conform to any grade which at any time may be established by such city, so that such tracks may be crossed at any place on any street, alley or highway; to compel railroad companies to make and keep open and to keep in repair, ditches, drains, sewers, and culverts along and under their railroad tracks, so that the natural or artificial drainage of adjacent property shall not be impeded.

36. **Bridges, etc.** To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof.

37. **Sewers, etc.** To construct and keep in repair culverts, drains, sewers, catch basins, manholes, and cesspools, and to regulate the construction and use thereof.

38. **Licenses, generally.** To license, tax, and regulate hawking, peddling, pawnbrokerage, employment agencies, the keeping of ordinaries, theatrical, and other exhibitions, shows, and amusements, and the business conducted by ticket scalpers, distillers, brewers, money changers, brokers, keepers of public scales, runners for stages, cars, public houses, or other persons or things, and to revoke such license at pleasure; to license, tax, and regulate banks, bath houses, livery stables, skating rinks, smelters, crushers, express companies, restaurants, hotels, taverns, theatres, opera houses, music halls, boarding houses, eating houses, chop houses, lodging houses, laundries, barber shops, second hand or junk stores and to forbid the owners or persons in charge of said stores from purchasing or receiving any article whatever from minors without the written consent of their guardian or parents; to license, tax, and regulate the business conducted by hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, watermen, and all others pursuing like occupations and to prescribe their compensation; to license, tax, and regulate the business conducted by merchants, retailers, shop and storekeepers, butchers, druggists, photographers, assayers, confectioners, and fruit peddlers.

General licensing power, sub. 4.

Where an ordinance imposes a license upon sewing machine agents, and a penalty upon any person, who within the city limits engages in peddling without first obtaining a license therefor, and a sewing machine agent sold machines from sample without obtaining any license; held, that he violated the ordinance. *Spanish Fork City v. Mortensen*, 7 U. 33; 24 P. 629.

39. **Id. Billiards, etc.** To license, tax, regulate, and suppress billiard, bagatelle, pigeon hole, or any other tables or implements kept or used for a similar purpose; also pin alleys or tables, or ball alleys.

40. **Disorderly houses. Gambling.** To suppress and prohibit the keeping of bawdy and other disorderly houses, houses of ill fame, or assignation, or houses kept by, maintained for, or resorted to or used by one or more females for lewdness or prostitution within the limits of the city, and within three miles of the outer boundaries thereof, and to prohibit the resorting thereto for any of the purposes aforesaid; and also to suppress and prohibit gaming and gambling houses, lotteries, and all fraudulent devices and practices, and all kinds of gaming, playing at dice, cards, or other games of chance, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures, or illustrations.

41. **Liquor traffic.** To license and regulate or prohibit the manufacturing, selling, giving away, or disposing in any manner, of any intoxicating, malt, vinous, mixed, or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license; and said license shall be subject to the same restrictions as required by the general laws of the state, and said council shall require of all persons applying for a license hereunder a bond in good and sufficient security and with like conditions as required by the general laws of the state in this regard; *provided*, that no other or further permit or license shall be required by the county in which such city is situated to enable such person or persons so licensed to sell or deal therein within the limits of the corporation.



Neither under its general police powers, nor under a clause in the city charter authorizing the city to license, regulate and restrain the sale of fermented and spirituous liquors within its limits, has the city authority to exact a license fee of \$100 per quarter from a dealer who is within the city limits but three miles from the settled portions of the city, and without police supervision. *Salt Lake City v. Wagner*, 2 U. 400. A city charter which authorizes the city "to license, regulate, prohibit, or restrain the manufacturers, sellers, or vendors of spirituous or fermented liquors," does not authorize such city to prohibit the sale of such liquors. *Logan City v. Buck*, 3 U. 301; 2 P. 706. Under a provision of a city charter giving the city council power "to license, regulate, prohibit, or restrain houses or places for the selling or giving away of wines or other liquors, whether ardent, vinous, or fermented," an ordinance prohibiting druggists from selling such liquors, except for medicinal purposes, is valid. *Prove City v. Shurtliff*, 4 U. 15; 5 P. 302. The city council of Salt Lake City, under its charter granting it power to license, regulate, and tax the manufacturing, selling, giving away, or disposing of, in any manner, intoxicating liquors, has a reasonable discretion as to the person to whom the license may be granted, and as to the place of business. *Miner J. dissenting. Perry v. Salt Lake City Council*, 7 U. 143; 25 P. 739. Defendant issued plaintiff a liquor license, and the latter paid for three months; within a month after issuance, the defendant revoked the license without preferring charges, upon informal notice of the hearing, but without citing him to show cause; held, that the revocation without giving plaintiff an opportunity to be heard was void. *Pehrson v. City Council—U.—*; 46 P. 657.

**42. Selling liquors to minors, etc. Opium.** To punish and prohibit the selling or giving away of any intoxicating, malt, vinous, mixed, or fermented liquor to any minor, insane, or idiotic person, habitual drunkard or person intoxicated; and also to punish and prohibit the keeping or maintaining, or becoming an inmate of, or visiting, or in any way contributing to the support of, any place, house, or room where opium is smoked, or where persons assemble for the purpose of smoking opium or inhaling the fumes of opium, or where opium is sold for such purpose.

**43. Markets.** To establish markets and market houses, and provide for the regulation and use thereof.

**44. Id.** To provide for the place and manner of sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and regulate the selling of the same.

**45. Inspection of provisions.** To provide for and regulate the inspection of meats, fruits, poultry, fish, butter, cheese, lard, vegetables, flour, meal, and all other provisions.

**46. Inspection of merchandise.** To provide for the inspection, measurement, or graduation of any mer-



chandise, manufacture, or commodity, and to appoint the necessary officers therefor.

47. **Weights and measures.** To provide for the inspection and sealing of weights and measures.

48. **Id.** To enforce the keeping of proper weights and measures by vendors.

49. **Plumbing, etc.** To regulate the construction, repairs, and use of vaults, cisterns, areas, hydrants, pumps, sewers, gutters, and plumbing.

50. **Disorderly conduct.** To prevent intoxication, fighting, gambling, quarrelling, dog fights, cock fights, and all disorderly conduct, and to provide against and prevent the offenses of assault and battery and petit larceny; to restrain riots, routs, noises, disturbances, or disorderly assemblies in any street, house, or place in the city; to regulate or prevent the discharge of firearms, rockets, powder, fireworks, or any other dangerous, or combustible material in the streets, lots, grounds, alleys, or about or in the vicinity of public buildings.

51. **Concealed weapons.** To regulate and prohibit the carrying of concealed weapons.

52. **Vagrants.** To arrest, fine, or set to work on the streets or elsewhere, all vagrants, mendicants, and persons found in said city without visible means of support or some legitimate business.

53. **Disorderly conduct.** To provide for the punishment of persons disturbing the peace and good order of the city or any lawful assembly, by clamor, or noise, or by intoxication, fighting, or using obscene or profane language, or otherwise violating the public peace by indecent or disorderly conduct, or by lewd or lascivious behavior.

54. **Tramps, swindlers, etc.** To provide for the punishment of tramps, common street beggars, common prostitutes, habitual disturbers of the peace, pickpockets,

gamblers, thieves, or persons who practice any game, trick, or device with intent to swindle.

**55. Fire limits.** To define the fire limits, and prescribe limits within which no building shall be constructed, except of brick, stone, or other incumbustible material, without permission, and to cause the destruction or removal of any building constructed or repaired in violation of any ordinance; and to cause all buildings and inclosures which may be in a dangerous state to be put in a safe condition or removed.

**56. Construction of buildings. Fire escapes.** To prescribe the manner of constructing stone, brick, and other buildings, and the construction of fire escapes; and to cause all buildings used for public purposes to be provided with sufficient and ample means of exit and entrance, and to be supplied with necessary and appropriate appliances for the extinguishment of fire, to prevent the overcrowding thereof; and to regulate the placing and use of seats, chairs, benches, scenery, curtains, blinds, screens, or other appliances therein.

**57. Dangerous chimneys, boilers, etc.** To prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, heaters, ovens, furnaces, boilers, and apparatus used in and about buildings and manufactories, and cause the same to be removed or placed in a safe condition.

**58. Dangerous manufactures.** To regulate and prevent the carrying on of manufacturing likely to cause fires; and to prevent the deposit of ashes in unsafe places.

**59. Fire department.** Except as otherwise provided by law, to provide for the organization and support of a fire department; to procure fire engines, hooks, ladders, buckets, and other apparatus, and to organize fire engine and hook and ladder companies, and to prescribe rules, duties, and government therein, with such penalty as the council may deem proper, and to make all necessary appro-

priation therefor; and to establish regulations for the prevention and extinguishment of fires.

60. **Combustibles and explosives.** To regulate or prevent the storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, nitro-glycerine, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops, and other places, and the building of bonfires.

61. **Steam boilers and elevators.** To provide for the inspection and to regulate the use of steam boilers; to provide for the examination, regulation, and licensing of stationary engineers and of others having charge or control of stationary engines, boilers, or steam generating apparatus, or elevators within the corporate limits of the city.

62. **Jails.** To establish, erect, and maintain city jails, houses of correction, and work houses for the confinement of persons convicted of violating any city ordinances, and to make rules and regulations for the government of the same, and to appoint necessary jailers and keepers; and to use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the board of county commissioners.

63. **Cruelty to animals.** To prohibit cruelty to animals.

64. **Nuisances.** To declare what shall be a nuisance and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist.

65. **Health and quarantine.** To make regulations to secure the general health of the city, to prevent the introduction of contagious, infectious, or malignant diseases into the city, and to make quarantine laws and enforce the same within the corporate limits, and within twelve miles thereof. To create a board of health and prescribe the powers and duties of the same.

66. **Cemeteries and hospitals.** To purchase, hold,

and pay for lands within or without the corporate limits, for the burial of the dead, and all necessary ground for hospitals, and to have and exercise police jurisdiction over the same, and over any cemetery used by the inhabitants of said city; and to survey, plat, map, fence, ornament, and otherwise improve all public burial and cemetery grounds; and to convey cemetery lots owned by said city, and pass rules and ordinances for the protection and governing of said grounds.

**67. Births and deaths.** To regulate the burial of the dead and the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons, and others for default therein.

**68. Estrays.** To regulate, or prohibit the running at large within the limits of the city, horses, mules, asses, cattle, swine, sheep, goats, geese, and all kinds of poultry; to establish a pound and appoint a pound keeper, and prescribe his duties, and to distrain and impound animals running at large, and to provide for the sale of the same in the same manner as provided by the laws of the state for sale of estrays and trespassing animals. The proceeds arising from the sale of such animals, after the payment of all costs, shall go to the city treasurer to be disposed of according to law.

**69. Dogs.** To license, tax, regulate or prohibit the keeping of dogs, and authorize the destruction of the same when at large contrary to ordinance.

**70. Slaughter houses, etc.** To direct the location and regulate the management and construction of packing houses, tanneries, canneries, renderies, bone factories, slaughter houses, butcher shops, soap factories, foundries, breweries, distilleries, livery stables, and blacksmith shops in and within one mile of the limits of the corporation.

**71. Offensive trade, nuisance.** To prohibit any offensive or unwholesome business or establishment in and

within one mile of the limits of the corporation; to compel the owner of any pig sty, privy, barn, corral, sewer, or other unwholesome or nauseous houses or place, to cleanse, abate, or remove the same, and to regulate the location thereof.

**72. Census.** To provide for taking the census; but no census shall be taken oftener than once in five years, except as provided in chapter one of this title.

**73. Public buildings.** To provide for the construction and care of all public buildings necessary for the use of the city.

**74. Annoying amusements.** To prevent or regulate the rolling of hoops, playing of ball, flying of kites, riding of bicycles or tricycles, or any other amusement or practice having a tendency to annoy persons passing in the streets, or on sidewalks, or to frighten teams or horses.

**75. Lumber yards, etc.** To regulate, or prohibit the keeping of any lumber yard, and the placing or piling or selling of any lumber, timber, wood, or other combustible material within the fire limits of the city.

**76. Water works, fire signals, etc.** To purchase, construct, lease, rent, manage, and maintain any system or part of any system of water works, hydrants, and supplies of water, telegraphic fire signals, or fire apparatus, and to pass all ordinances, penal or otherwise, that shall be necessary for the full protection, maintenance, management, and control of the property so leased, purchased or constructed.

**77. Public libraries.** To establish, maintain, and regulate free public libraries and reading rooms as provided by law, and to perpetuate such free libraries and reading rooms as may have been heretofore established in said cities.

**78. Public traffic.** To regulate or prohibit all public demonstrations and processions which interfere with public traffic.



79. **Indigent dead.** To provide for the burial of the indigent dead, and to pay the expenses thereof.

80. **Education.** To authorize the taking and to provide for the safe keeping and education, for such periods of time as may be expedient, of all children who are destitute of proper parental care.

81. **Inspection of liquor.** To regulate the inspection of malt, vinous, and spirituous liquors.

82. **Street tax.** To provide by ordinance for the annual levy and collection of a street tax, to be assessed upon the property, real and personal, of the city; which tax if levied and collected, shall be in lieu of the tax provided for in subdivision three of section two hundred and fifty-three. Said tax shall not in any one year exceed one-half of one per cent., and shall be expended for the opening, widening, grading, and improving of the streets, sidewalks, avenues, and alleys of the city.

83. **Street noises.** To prevent the ringing of bells, blowing of horns and bugles, crying of goods by auctioneers and others, and the making of other noises for the purpose of business, amusement, or otherwise, and to prevent all performances and devices tending to the collection of persons on the streets or sidewalks of the city.

84. **Fastening animals.** To compel persons to fasten animals attached to vehicles standing or remaining in the streets.

85. **Official bonds and reports.** To require all municipal officers and agents elected or appointed to give bond and security for the faithful performance of their duties, and to require from every officer of the city at any time a report in detail of all the transactions in his office, or any matters connected therewith.

86. **Create necessary offices. Prescribe duties.** To create any office that may be deemed necessary for the good government of the city; to regulate and prescribe the



powers, duties, and compensation of all officers of the city, except as otherwise provided by law.

87. **Licenses.** To raise revenues by levying and collecting a license fee or tax on any private corporation or business within the limits of the city, and regulate the same by ordinance. All such license fees and taxes shall be uniform in respect to the class upon which they are imposed.

88. **Ordinances.** To pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by this title, and such as shall seem necessary and proper to provide for the safety, and preserve the health, and promote the prosperity, improve the morals, peace, good order, comfort, and convenience of the city and the inhabitants thereof, and for the protection of property therein; and to enforce obedience to such ordinances with such fines or penalties as the city council may deem proper; *provided*, that the punishment for any offense shall be by fine in any sum not less than three hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

A municipal corporation has power to pass an ordinance for the punishment of an offense, notwithstanding the same was provided against by general law. *Ex parte Douglass*, 1 U. 108. Where an ordinance and an act of the legislature relate to the same subject matter, the ordinance is not repealed by the act unless repugnant to the latter, since repeals must be clear, particularly of special or local laws or ordinances. *Ogden City v. Hamer*, 12 U. 337; 42 P. 1113. Where a municipal corporation may prohibit a thing altogether, it may prohibit it conditionally, and confer upon some officer or officers power to determine whether a fact or state of things exists which will authorize the doing of it. *City of Eureka v. Wilson*.

#### SEC. 207. **Powers to be enforced by ordinance.**

When by this title power is conferred upon the city council to do and perform any act or thing, and the manner of exercising the same is not specifically pointed out, the city council may provide by ordinance the manner and details necessary for the full exercise of such power.

## ACTIONS FOR VIOLATIONS OF ORDINANCES.

**208. Actions in corporate name.** All actions brought to recover any fine or to enforce any penalty under any ordinance of any city shall be brought in the corporate name of the city as plaintiff; and no prosecution, recovery, or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same person for any other violation of any such ordinance, although the different causes of action existed at the same time, and if united would not have exceeded the jurisdiction of a justice of the peace.

**209. Money paid into treasury.** All fines and forfeitures for the violation of ordinances, and all money collected for licenses or otherwise, shall be paid into the treasury of the corporation at such times and in such manner as may be prescribed by ordinance.

**210. Pleading and imprisonment.** In all actions for the violation of any ordinance, it shall be sufficient if the complaint refer to the title and section of the ordinance under which such action is brought. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the court before whom the conviction is had, be committed to the county jail or the city prison, or to such other place as may be provided by the city for the incarceration of offenders until such fine, penalty, and costs shall be fully paid.

**211. Imprisonment at labor.** The city council shall have power to provide by ordinance, that every person so committed shall be required to work for the corporation at such labor as his strength will permit, not exceeding eight hours each working day; and for such work the person so employed shall be allowed one dollar for each day's work on account of such fine and costs.

**212. Serving process. Arrests.** Any constable or sheriff of a county may serve any process or make any arrest authorized to be made by any city officer.

## OFFICERS—POWERS AND DUTIES.

**213. Elective Officers. Terms.** In addition to the mayor and city councilmen, there shall be elected in all cities of the state, a city recorder, a city treasurer, and a city justice of the peace; and also in cities of the first and second class, a city attorney and a city auditor; and in cities of less than twelve thousand inhabitants, a city marshal; *Provided*, that in cities of less than twelve thousand inhabitants the city recorder shall be ex-officio city auditor and shall perform the duties of such office without extra compensation therefor. All elective officers shall hold their respective offices for two years and until their successors are elected and qualified.

As amended, session laws 1899.

**SEC. 214. Appointive officers.** The mayor, by and with the advice and consent of the council, may appoint all appointive officers and agents that may be provided for by law or ordinance, and, in like manner, fill all vacancies among the same, except as otherwise provided by law; *provided*, that elective officers shall have the sole right to appoint all their deputies and assistants, who shall be confirmed by the city council.

As amended, session laws 1899.

**215. Id. Terms.** Except as otherwise provided by law, the term of office of all appointive officers shall be until the municipal election next following their appointment, and until their successors are duly appointed and qualified, unless sooner removed by the mayor with the concurrence of the majority of the members of the city council, or by the city council with the concurrence of the mayor.

**216. Oath. Bond.** All officers of any city, whether elected or appointed, shall, before they enter upon the duties of their respective offices, take and subscribe the constitutional oath of office; and every such officer shall, before entering upon the duties of his office, execute a bond with good and sufficient sureties, to be approved by the mayor, payable to the city in such penal sum as may, by resolution or ordinance be directed, conditioned for the faithful performance of the duties of his office, and the payment of all moneys received by such officer according to law and the ordinances of said city; *provided*, that the bond of the mayor shall be approved by the city council; *provided further*, that the treasurer's bond shall be fixed at a sum not less than the amount of the whole tax for the current year.

**217. Bonds of first officers.** Whenever the inhabitants of any territory incorporate under this title, the officers first elected shall give bonds as mentioned in the preceding section, in the penal sum of not less than five hundred dollars, such bonds to remain in force until the passage of ordinances or resolutions by the council of such corporation providing for the giving of bonds by said officers.

**218. Additional bonds.** The city council may at any time require further and additional bonds of all officers elected and appointed. All bonds given by the officers of any city shall be filed with the recorder, except the bond of the recorder, which shall be filed with the treasurer.

**219. Malconduct.** In case the mayor or any municipal officer shall, at any time wilfully omit the performance of any duty, or wilfully and corruptly be guilty of oppression, malconduct, or misfeasance in office, he shall be liable to indictment, and, on conviction thereof, fined in a sum not exceeding one thousand dollars, and the court under which such conviction shall be had shall enter an order removing such officer from office; nor shall he be eligible to any municipal office thereafter.

**220. Delivery to successors.** Every officer of the city shall, within five days after notification and request, deliver to his successor in office all properties, books and effects of every description in his possession belonging to the city or appertaining to his said office: and upon his refusal to do so, shall be liable for all damages caused thereby, and to such penalty as may be by ordinance prescribed.

**221. Who eligible to office.** No person shall be eligible to any office who is not a qualified elector of the city, nor shall any person be eligible to any office who is a defaulter to the corporation.

**222. Officer not to be interested in contract.** No officer shall be directly or indirectly interested in any contract, work, or business of the city, or in the sale of any article, the expense, price or consideration of which is paid from the treasury, or by any assessment levied by any act

or ordinance, nor in the purchase of any real estate or any other property belonging to the corporation, or which shall be held for taxes, or assessments, or by virtue of legal process, at the suit of said corporation, mayor, or other officer of the city.

**223. Id. Bribery. Penalty.** Any officer of the city or member of the city council who shall by himself or agent become a party to or in any way interested in any contract work or letting, under the authority of the city, or who shall either directly or indirectly by himself or another accept or receive any valuable consideration or promise for his influence or vote, shall be fined in any sum not exceeding one thousand dollars, one-half of which shall go to the informer and the balance be paid into the city treasury by the officer collecting or receiving the same, and the said contract shall be null and void.

**224. Holding more than one office.** In cities of the first and of the second class, no mayor, councilman, recorder, or treasurer shall hold any other office under the city government during his term of office.

**225. Compensation.** All officers of any city shall receive such compensation as may be fixed by ordinance, but the compensation of any such officers shall not be increased or diminished to take effect during the time for which any such officer was elected or appointed.

**226. Councilman not to hold created office.** No member of any city council shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected and for one year after the expiration of such term.

**227. Defining duties of officers.** The duties, powers, and privileges of all officers in any way connected with the city government not herein defined shall be defined by the city council, and the defining by this title of duties of city officers shall not preclude the city council from defin-



ing by ordinance further and additional duties to be performed by any such officer.

#### CITY RECORDER.

**228. Office, where. Keep records. Certify copies.** The city recorder shall keep his office at the place of meeting of the city council, or some other place convenient thereto, as the council may direct. He shall keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the city council, whose meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from all records of the city council certified by him, under the corporate seal, shall be evidence in all courts, as if the original were produced.

**229. Countersign contracts.** He shall countersign all contracts made in behalf of the city, and every contract made in behalf of the city or to which the city is a party, shall be void unless signed by the recorder.

**230. Duties in relation to finance. City auditor.** The city auditor, in cities having an auditor, and in all other cases, the city recorder, shall draw and countersign all orders upon the treasurer in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose; shall make to the city council from time to time, upon the order of the council, reports of the financial condition of the city; shall make and keep a list of outstanding bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear, and recommend such action to the city council as shall secure the payment of the principal and interest of such bonds; shall report annually, on or before the first day of June, to the city council, an estimate of the expenses of the city and of the revenue necessary to be raised for the current year; shall keep regular books of account in which he shall enter all indebtedness of the city, and which shall at all times show the financial condition of the city, the amount of bonds, orders, cer-



tificates or other evidences of indebtedness issued by the city council, the amount of all bonds, orders, certificates, or other evidences of indebtedness which have been redeemed, and the amount of each outstanding; shall keep accounts with all receiving and disbursing officers of the city, showing the amount they have received from the different sources of revenue and the amount which they have disbursed under the direction of the city council; shall examine all reports, books, papers, vouchers, and accounts of the city treasurer; shall audit all claims and demands against the city before they are allowed by the city council; and shall keep a record of claims presented and the action of the council thereon; shall keep a book properly indexed in which he shall enter all contracts, which book shall be open to the inspection of all persons interested; and shall perform such other duties as the city council may provide by ordinance.

**231. Annual financial statement.** The city auditor, in cities having an auditor, and in all other cases, the city recorder, shall prepare and publish, on or before the first Monday in July of each year, in some newspaper having a general circulation in the city, a detailed statement of the financial condition of the city, and of all receipts and expenditures for the previous year, ending June 30th, showing:

1. The total receipts of the city, stating particularly the source of each portion of the revenue.

2. The amount of cash on hand at the date of the last report.

3. The amount of sinking fund, and how invested.

4. The number, date, and amount of every bond issued or redeemed, and the amount received or paid therefor.

5. The indebtedness of the city, funded and floating, stating the amount of each class, and the rate of interest borne by such indebtedness, or any part thereof.

6. The amount of cash in the city treasury and in its several funds.

7. The total expenditures of the city, as shown by the

warrants issued, giving in total the amount expended in each department.

As amended, session law 1899.

#### CITY TREASURER.

**232. Duties generally.** The city treasurer shall receive all money belonging to the city, including all taxes, licenses and fines, and keep an accurate and detailed account thereof, in such a manner as provided in this title, or as the city council from time to time may by ordinance direct, and he shall collect special taxes and assessments as provided by law and ordinance. He shall make a settlement with the recorder or auditor, as the council may direct, at the end of every month, and turn over all warrants, interest coupons, bonds or other evidence of the indebtedness of the city, which may have been redeemed by him during the month, taking the receipts of the recorder or auditor therefor, and all such warrants, orders, or other evidence of indebtedness shall be canceled by him and have written or stamped thereon the date of their payment or redemption.

**233. Payments.** He shall pay no money out save upon lawful warrant, except bonds and interest coupons, which when due may be paid upon presentation, or in case the same are payable at some other place, then the money for their redemption shall be sent to the place where they are payable, in time to meet such payment when due.

**234. Warrants paid in order.** All warrants shall be paid in the order in which they shall be presented, and the treasurer shall note upon the back of each warrant presented to him, the date of such presentation, and when payment is made, the date of such payment; *provided*, that any warrant shall be paid by the treasurer in case a sufficient amount of money shall remain in the treasury to day all warrants issued previous to such warrant.

**235. Receipts.** The treasurer shall give every person

paying money to the city treasury a receipt therefor, specifying the date of payment and upon what account paid; and he shall also file the duplicate of such receipt with the auditor or recorder as the council may direct at the date of his monthly report.

**236. Public money to be kept separate.** The treasurer shall keep all money belonging to the city separate and distinct from his own money. Whenever it shall appear to the mayor that the treasurer is making profit out of public money or using the same for any purpose not authorized by law, he shall suspend him from office, and upon his conviction for such offense his office shall become vacant.

**237. Reports. Registry of warrants.** The treasurer shall report to the city council at such times as may be prescribed by ordinance, giving a full and detailed account of all receipts and expenditures since his last report, and the state of the treasury. He shall also keep a registry of all warrants redeemed and paid during the year, describing such warrants, their date, amount, number, the fund from which paid, and the person to whom paid, specifying also the time of payment. And all such warrants shall be examined by the city council at the time of making such report.

**238. Special funds.** All moneys on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever.

#### CITY JUSTICE OF THE PEACE.

**239. Jurisdiction.** The city justice of the peace shall have exclusive original jurisdiction of cases arising under or by reason of the violation of any city ordinance, and shall have the same powers and jurisdiction as justices of the peace in all other actions, civil and criminal.

**240. Practice. Appeals.** The rules of practice and mode of procedure in a city justice's court shall be the same as are or may be prescribed by law for justices' courts in like cases, except as herein otherwise expressly provided. From all final judgments of a city justice's court an appeal may be taken by either party in a civil case, or by the defendant in a criminal case, to the district court of the county, in the manner provided by law for appeals from justices' courts in similar cases.

**241. Jury trial.** All actions before a city justice arising under the city ordinances shall be tried and determined by such justice without the intervention of a jury, except in cases where imprisonment for a longer period than thirty days is made a part of the penalty, or where the maximum fine may exceed fifty dollars. The defendant shall demand a trial by jury before the commencement of the trial, and when such a demand shall be made a jury shall be impaneled in the same manner as provided for the impaneling of a jury in other justices' courts.

**242. Vacancies. Disqualification. Salary.** If a vacancy shall occur in the office of a city justice, the mayor, by and with the consent of the city council, shall forthwith fill such vacancy by appointment for the unexpired term. The person so appointed shall qualify in the same manner as a city justice, and shall have and exercise all the powers conferred by law upon a city justice. In case any city justice shall for any reason be unable or disqualified to perform the duties of his office or shall be absent, the mayor shall appoint some other justice of the peace residing within the county to act as city justice of the peace pro tem., and he shall have the powers and discharge the duties of such city justice during the existence of such disability or absence only, in the same manner and to the same extent as the city justice might have done. The city justice shall receive such salary for his services while exercising jurisdiction under the ordinances and by-laws of the city as may be prescribed by ordinance.

243. **Fines.** All fines, penalties, and forfeitures for the violation of any city ordinance shall be paid by the officer receiving the same to the city treasurer.

244. **Warrants, to whom issued.** All warrants issued by the city justice for the violation of any general law of the state or ordinance of the city shall run to the sheriff or any constable of the county, or to the marshal or any policeman of the city.

#### MARSHAL AND POLICE.

245. **Chief of police. Duties.** The chief of police shall in the discharge of his duties have like powers, and be subject to like responsibility as sheriffs and constables in similar cases; and he shall suppress riots, disturbances, and breaches of the peace, and apprehend all persons committing any offense against the laws of the state or the ordinances of the city. And at all times he shall diligently and faithfully discharge his duties and enforce all ordinances and regulations of the city for the preservation of peace and good order, and the protection of the rights and property of all persons.

246. **Police officers. Powers and duties.** All police officers of any city shall possess the powers conferred upon constables by law. They shall execute and serve all warrants, process, commitments, and all writs whatsoever, issued by the city justice of the peace. It shall be the duty of the police force in any city at all times to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect persons and property, remove nuisances existing in the public streets, roads, highways, enforce every law relating to the suppression of offenses, and perform all duties enjoined upon them by ordinance.

247. **Id. Arrests.** The several members of the police shall have power and authority without process to arrest and take into custody any person who shall commit or threaten or attempt to commit in the presence of such offi-



cer, or within his view, any breach of the peace or any offense directly prohibited by the laws of this state or by any ordinance.

248. **Marshal. Duties.** In cities of less than twelve thousand inhabitants, the marshal shall be ex-officio chief of police and shall perform the duties and exercise the authority thereof. He shall, under the direction of the council, direct and control the police of the city, and whenever the interests of the city demand, by and with the consent of the mayor, appoint such number of special policemen as may be required, and perform such other duties as may be prescribed by ordinance.

249. **Bail commissioners.** The mayor of any city in this state may, by and with the consent of the city council, appoint from among the officers and men in the police department of said city, one or more discreet persons to be known as bail commissioners, who shall have and exercise all the powers which are now or hereafter may be conferred by law upon justices of the peace in respect of fixing the bail of persons arrested for misdemeanors under the laws of this state or for violation of the city ordinances, and taking and approving the same; *provided*, that any person who has been ordered by any such bail commissioners to give bail, may deposit the amount thereof in money with such bail commissioner.

250. **Oath and bond.** Commissioners appointed under this title shall serve at the pleasure of the mayor. They shall receive no compensation, and before entering upon their duties as such commissioners, shall take and subscribe an oath to faithfully and impartially discharge the duties of their office, and shall give bond to the city wherein they are appointed with two good and sufficient sureties, in the sum of twenty-five hundred dollars, conditioned for the faithful performance of their duties as such commissioners, and that they will well and truly account for and turn over to the treasurer of their respective cities or counties, as the case may require, at such times as may be designated by



the city council, all moneys, bonds, property, and records coming into their hands as such commissioners, and that at the expiration of their term of office, they will surrender and turn over as aforesaid all funds, bonds, property, papers, and records pertaining to their respective offices, then in their hands. Suit upon any such bond may be brought by any county, city, or person injured.

251. **Id. Filing.** The oaths of office and bonds of said commissioners shall be filed with the city recorders of their respective cities.

#### GENERAL TAXES.

252. **Fiscal year.** The fiscal year of cities shall commence on the first day of January.

253. **Annual tax.** During the month of July of each year, the city council, at a regular meeting thereof, shall, by ordinance or resolution, levy on the real and personal property within the city made taxable by law:

1. Not to exceed five mills on the dollar to defray contingent expenses.

2. Not to exceed ten mills on the dollar to purchase water sources, streams, and the land upon which said streams are appropriated, and canals; to construct water works, and to supply water for irrigation and other purposes.

3. Not to exceed five mills on the dollar to open, improve and repair the streets and sidewalks.

4. Not to exceed five mills on the dollar to construct and repair sewers and drains.

5. Not to exceed ten mills on the dollar to construct and maintain gas works, electric light works, telephone lines, street railways, or bath houses.

Power to levy taxes, § 206, sub. 3. Street tax, § 206, sub. 82. Special taxes generally. §§ 255-282. Special or local taxes for water, § 279.

Where defendant lived on a farm outside the city, and beyond the benefit of municipal expenditures, an act of the legislature subjecting his property to municipal taxation was not rightful legislation, and was in violation of the constitution of the U. S., amendment 5, providing that private property shall not be taken for public use without just compensation. *People v. Daniels*, 6 U. 288; 22 P, 159. A municipal

corporation which is a small village, but having extensive limits, cannot tax farming lands for municipal purposes lying within the corporate limits, but outside of the platted portion of the city, and so far removed from the settled portion of the city that the owner will receive no benefits from the municipal government, affirming *Territory v. Daniels*, 7 U. 288. *Ellison v. Linford*, 7 U. 166; 25 P. 744. In a suit brought to recover the value of property seized for city taxes upon lands situated one mile away from the platted portion of the city, but where a street extended past the land, upon which work had been done as far as the plaintiff's premises, where the plaintiff had enjoyed police protection and some municipal benefits, held, that this land was subject to city taxation, distinguishing this case from *People v. Daniels*, 6 U. 200. *Cook v. Crandall*, 7 U. 344; 26 P. 927.

**254. Certification of levy.** The city recorder shall certify the ordinance or resolution making the levy to the county auditor or clerk, as the case may be, immediately after the passage of the same.

#### SPECIAL TAXES.

**255. Local improvements.** The city council of each city in the state of Utah, shall have the following powers: To lay out, establish, open, alter, extend, widen, and improve streets, alleys, avenues, sidewalks, parks, and public grounds, and vacate the same; and to grade, curb and gutter, park, and beautify, or otherwise improve and keep in good repair, or cause the same to be done in any manner it may deem proper, any park, street, avenue, or alley within the limits of the city; and may grade partially or to the established grade or park, or otherwise improve any part of any street, avenue, or alley; and may also construct and repair, or cause and compel the construction and repair of sidewalks in such city, of such material and in such manner as it may deem proper.

**256. Special taxes. Ordinary repairs. Paving districts.** To defray, or cause to be defrayed, the cost and expense of such improvements or any of them, the city council shall have power and authority to levy and collect special taxes and assessments upon the blocks, lots, or parts thereof, and pieces of ground adjacent to or abutting upon the street, avenue, alley, or sidewalk thus in whole or in part opened, widened, curbed and guttered, graded, parked, extended, constructed, or otherwise improved or repaired,

or which may be especially benefited by any of said improvements; *provided*, that the above provisions shall not apply to ordinary repairs of streets or alleys, and that one-half of the expense of bringing streets, avenues, alleys, or parts thereof to the established grade shall be paid out of the general fund of the city; and such council shall have power to pave, repave, or macadamize any street or alley, or part thereof in the city, and for that purpose to create suitable paving districts, which shall be consecutively numbered, such work to be done under contract.

**257. Paving taxes, how levied.** The cost of paving, macadamizing, or repaving of the streets and alleys within any paving district, except the intersection of streets and space opposite alleys within such district, shall be assessed upon the lots and lands abutting upon the streets and alleys in such district, in proportion to the square feet, or feet front, or both, so abutting upon such streets and alleys.

**258. Id. When delinquent. Collection. Supplemental assessment.** The assessments of special taxes for paving purposes herein provided for, shall be made as follows: The total cost of the improvements shall be levied at one time upon the property, and become delinquent as herein provided: one-tenth of the total amount shall be delinquent in fifty days after such levy, one-tenth in one year, one-tenth in two years, one-tenth in three years, one-tenth in four years, one-tenth in five years, one-tenth in six years, one-tenth in seven years, one-tenth in eight years, and one-tenth in nine years. Each of said installments, except the first, shall draw interest at the rate of seven per cent per annum from the time of levy aforesaid until the same shall become delinquent, and after the same shall become delinquent, interest at the rate of ten per cent per annum shall be paid thereon; *provided*, the total cost of the improvements shall become delinquent at such time and in such installments, or the entire sum at one time, as the city council of such city may prescribe; but such entire

sum shall not become delinquent in less a time than one year. Such taxes shall be collected and enforced as in other cases of special taxes. In cases of omission, errors, or mistakes, in making such assessment or levy in respect of the total cost of the improvements, or deficiencies, or otherwise, it shall be competent for the council to make a supplemental assessment and levy to supply such deficiencies, omissions, errors, or mistakes.

**259. Intersection. Duties of railway companies.** The cost of paving, macadamizing, or repaving the intersection of streets and spaces opposite alleys, in any paving district shall be paid by the city as hereinafter provided; but nothing herein contained shall be construed to exempt any street railway company from keeping every portion of every street, avenue, and alley used by it, upon or across which its track shall be constructed at or near the grade of such streets in good and safe condition for public travel, but it shall keep the same planked, paved, macadamized, or otherwise in such condition for public travel as the city council of such city may from time to time direct, keeping the plank, pavement, or other surface of the street or alley level with the top of the rails of the track of such street railway. The portions of the streets or alleys to be so kept and maintained by all such street railway companies shall include all the space between its different rails and tracks and also a space outside of the outer rail of each outside track of at least two feet in width, and the tracks herein referred to shall include not only the main tracks but also all side tracks, crossings, and turnouts constructed for the use of such street railways.

**260. District paving bonds.** For the purpose of paying the cost of paving, macadamizing, or repaving the streets and alleys in any paving district, exclusive of the intersections of streets and spaces opposite alleys therein, the council shall have power, and may by ordinance cause to be issued bonds of the city, to be called "district paving bonds of district number——," payable in not exceeding

ten years from date, and to bear interest, payable annually, not exceeding the rate of six per cent per annum, and in such case shall also provide that said special taxes and assessments shall constitute a sinking fund for the payment of said bonds and interest, and said bonds shall not be sold for less than their par value; *provided*, that the entire cost of paving, repaving, or macadamizing any such streets, avenues, or alleys, properly chargeable to any blocks, lots of lands, or parts thereof, within any such paving district may be paid by the owner of such lots or lands within fifty days from the levy of such special taxes and thereupon such lots or lands shall be exempt from any lien or charge therefor.

**261. City paving bonds.** Whenever the council deems it expedient, it shall have power, for the purpose of paying the cost of paving, repaving, or macadamizing the intersection of streets and spaces opposite alleys in the city, to issue bonds of the city, to run not more than twenty years, and to bear interest payable semi-annually at a rate not exceeding six per cent per annum, to be called "paving bonds," and which shall not be sold for less than their par value, and the proceeds of which shall be used for no other purpose than paying the cost of paving, repaving, or macadamizing the intersections of streets and alleys in the city; *provided*, that the aggregate amount of such bonds issued in any one year shall not exceed the sum of one hundred thousand dollars; and if in any such city there shall be any real estate not subject to assessment of special taxes for paving purposes, the council shall have the power to pave in front of the same and to pay the cost thereof that would otherwise be chargeable on such real estate, in the same manner as herein provided for the paving of intersections of streets and paying therefor. The word "lot" as in this chapter used shall be taken to mean any subdivided real estate. The word "lands" shall mean any subdivided real estate. The word "street" shall be deemed to include boulevard and avenue.



**262. Special tax according to benefits accruing.** If the lots and real estate abutting upon that part of the street ordered paved, repaved, or macadamized as shown upon any recorded plat or map are not of uniform depth, or if for any other reason it shall appear just and proper to the council, the council is authorized and empowered to determine and establish the depth to which the real estate shall be charged and assessed with the cost of the improvement, and such depth shall be determined and established according to the benefits accruing to the property by reason of the improvement. The council shall include in the paving district all the real estate to be benefited by such improvement, and shall cause it to be charged and assessed with the cost of such paving or improvement as in this chapter hereinafter provided. The provisions of this chapter in regard to the depth to which real estate may be charged and assessed, shall apply to all special taxes that may be levied, except for sidewalk, in proportion to the front or square feet.

**263. District, curbing, and guttering bonds.**

Whenever curbing, or curbing and guttering, is done upon any street or avenue in any paving district in which paving has been ordered, and the council shall deem expedient so to do, it shall have power and authority, for the purpose of paying the cost of such curbing and guttering, to cause to be issued bonds of the city, to be called "curbing and guttering bonds of paving district number——," payable in not exceeding ten years from date, and to bear interest payable annually, not exceeding the rate of six per cent per annum, and in such case, shall assess at one time the total cost of such curbing and guttering, or curbing as the case may be, upon the property abutting or adjacent to the portion of the street or avenue so improved, according to special benefits; such assessment to become delinquent the same as the assessment of special taxes for paving purposes, and to draw the same rate of interest and be subject to the same penalties, and may be paid in the same manner as special taxes for paving purposes; and the special taxes so assessed



shall constitute a sinking fund for the payment of said bonds and interest, and said bonds shall not be sold for less than their par value.

**264. Errors not to avoid tax. Action to recover.**

No such special tax shall be declared void, nor shall any such assessment or part thereof, be set aside in consequence of any error or irregularity committed or appearing in any of the proceedings under this chapter; but any party feeling aggrieved by any such special tax, assessment, or proceeding may pay the said special taxes assessed or levied upon his property or such installments thereof as may be due, at any time before the same shall become delinquent under protest, and with notice in writing to the city treasurer that he intends to sue to recover the same, which notice shall particularly state the alleged grievance and ground thereof, whereupon such party shall have the right to bring a civil action within sixty days thereafter, and not later, to recover so much of the special taxes paid as he shall show to be illegal, inequitable, and unjust, the cost to follow the judgment to be apportioned by the court as may seem proper, which remedy shall be exclusive. The city treasurer shall promptly report all such notices to the city council for such action as may be proper. No court shall entertain any complaint that the party was authorized to make, and did not make, to the city council sitting as a board of equalization, nor any complaint not specified in said notice fully enough to advise the city of the exact nature thereof; nor any complaint that does not go to the groundwork, equity, and justice of the tax. The burden of proof to show such tax or part thereof invalid, inequitable, or unjust, shall rest upon the party who brings such suit.

**265. Equalization.** Whenever the city council shall levy any tax under the provisions of this chapter, it shall appoint a board of equalization and review, to consist of five of its members, which said board shall, upon the completion of the lists of the property in any of the districts taxed, give public notice of the completion of such lists.

Such notice shall state the time and place of meeting of said board and the same shall be during the usual business hours and for not less than five consecutive days, and, during the time specified said lists shall be open to public inspection; and any person feeling aggrieved shall have a hearing, and it shall have authority to make corrections of any tax deemed unequal or unjust.

**266. Railways to pave and repair.** All horse, cable, steam, electric or other railway companies now existing or hereafter created in any city already incorporated or hereafter organized shall be required to pave or repave at their own cost all the space between their different rails and tracks and also a space two feet wide outside of the outer rails of the outside tracks, and the tracks herein referred to shall include not only the main tracks but also all side tracks, crossings, and turnouts used by such companies. Where two or more companies occupy the same street or alley with separate tracks, then each company shall be responsible for its proportion of the surface of the street or alley occupied by all the parallel tracks as herein provided. Such paving or repaving by such railway companies shall be done at the same time and shall be of the same material and character as the paving or repaving of the streets or alleys upon which said railway track or tracks is located, unless other material be specially ordered by the city council or board of public works. Such railway companies shall be required to keep that portion of the street which they are herein required to pave or repave in good and proper repair, using for said purpose the same material as the street upon which the track or tracks are laid at the point of repair or such other material as the city council or board of public works may require and order; and as streets are hereafter paved, or repaved, street railway companies shall be required to lay, in the best approved manner, a rail to be approved by the city council or the board of public works. The tracks of railway companies, when located upon the streets or avenues of the city shall be kept in repair and

safe in all respects for the use of the traveling public, and said companies shall be liable for all damages resulting by reason of neglect to keep such tracks in repair, or for obstructing the streets or avenues of such city. For injuries to persons or property arising from the failure of such company to keep its tracks in proper repair and free from obstructions, such company shall be liable and the city shall be exempt from liability. The word "companies" as used in this chapter shall be taken to mean and include any persons, companies, corporations, or associations owning or operating any street or other railway in any such city.

**267. Id. Levy on railroad.** In the event of the refusal of such company to pave, repave, or repair as required in the foregoing sections, when so directed by the council, upon the paving or repaving of any street upon which their track is laid, the council shall have power to pave, repave, or repair the same, and the cost and expense of such paving, repaving or repairing may be collected by levy and sale of any property of said street railway company in the same manner as special taxes are now or may be collected. Special taxes for the purpose of paying the cost of any such paving or repaving, macadamizing, or repairing of any such street railway, may be levied upon the track, including ties, iron, roadbed, right of way, side-tracks, and appurtenances, including buildings and real estate belonging to any such company or person and used for the purpose of such street railway business, all as one property; or upon such parts of such track, appurtenances, and property, or any part thereof, as may be within the district paved, repaved, macadamized, or repaired, and shall be a lien upon the property levied upon from the time of the levy until satisfied. No mortgage, conveyance, pledge, transfer, or incumbrance of any such property or of any rolling stock or personal property of any such company, created or suffered by a company, after the time when any street or part thereof upon which any street railway shall have been laid, shall have been ordered paved, repaved, macadamized, or repair-

shall be made or suffered except subject to the lien of such special taxes, if such levy be in contemplation.

**268. Seizure and sale.** The city treasurer shall have the power and authority to seize any personal property belonging to any such person or company for the satisfaction of any such special taxes when delinquent, and to sell the same upon advertisement and in the same manner as constables are now or may be authorized to sell personal property, upon execution at law; but failure so to do, shall in no wise affect or impair the lien of the tax or any proceeding allowed by law for the enforcement thereof. The railroad track or any other property upon which such special taxes shall be levied, or so much thereof as may be necessary, may be sold for the payment of such special taxes in the same manner and with the same effect as real estate upon which such special taxes may be levied, may be sold.

**269. Action against railway. Defense.** It shall also be competent for any such city to bring a civil action against any party owning or operating any such street railway, and liable to pay said taxes, to recover the amount thereof, or any part thereof delinquent and unpaid, in any court having jurisdiction of the amount, and obtain judgment and have execution thereof, and no property, real or personal, shall be exempt from any such execution; *provided*, that real estate shall not be levied upon by execution except by execution out of the district court on the judgment therein, or transcript of judgment filed therein, as is now or hereafter may be provided by law. No defense shall be allowed in any such civil action except such as goes to the groundwork, equity, and justice of the tax, and the burden of proof shall rest upon the party assailing the tax. In case part of such special tax shall be shown to be invalid, unjust, or inequitable, judgment shall be rendered for such amount as is just and equitable.

**270. Railway tax payable in instalments.** It shall be competent for the council, upon the written application of any company, or persons owning any such street

railway, to provide that such special taxes shall become delinquent and be payable in instalments, as in case of taxes levied upon abutting real estate as hereinafter provided, but such application shall be taken and deemed a waiver of any and all objections to such taxes and the validity thereof. Such application shall be made at or before the final levy of such taxes. The provision of this chapter in regard to the levy, collection, and enforcement of special taxes to pay the costs of paving, repaving, macadamizing, or repairing between the rails of street railways shall apply to such special taxes hereafter levied.

**271. Water, gas, and sewer connection.** The council shall have power, in any paving district, and it shall be its duty before the work of paving or repaving is done therein, to require water, gas, and sewer connections to be made under such regulations and at such distances from the street mains to the line of the property abutting upon the street ordered paved or repaved as may be prescribed by ordinance, and shall require that such waterpipe connections may be made by any waterworks company owning the waterpipe main, and that such gaspipe connections may be made by any gaspipe company owning the gaspipe main. And upon neglect or failure of the water or gas companies to do the same, the city council or board of public works may cause the same to be done, and the cost thereof shall be deducted from any indebtedness of the city to such companies, and no bills shall be paid to the said companies by the city until all such expense for pipe laying shall have been liquidated. The council shall have power, at any time, to assess the cost of any sewer connections and also of any water connections when the city owns the water and waterpipe main upon the property opposite such connections, and to such depth as the council shall deem just and equitable.

**272. Limit of bonded indebtedness.** Nothing in this chapter shall be construed or held to authorize any city



to issue bonds of the city, either as district bonds, for paving the streets, or for paving said street intersections, or spaces opposite alleys in said city, or for any purpose whatever to any amount beyond that fixed as the limit of the bonded indebtedness of said city by law.

**273. Notice of intention to tax.** In all cases before the levy of any taxes for any improvements provided for in this chapter the city council shall give notice of intention to levy such taxes, naming the purposes for which the taxes are to be levied, which notice shall be published at least twenty days in a newspaper published within such city. Such notice shall describe the improvements, so proposed, the boundaries of the district to be affected or benefited by such improvements, the estimated cost of such improvements, and designate a time when the council will consider the proposed levy. If at or before the time so fixed, written objections to such improvements signed by the owners of one-half of the front feet abutting upon that portion of the street, lane, avenue, or alley to be so improved be not filed with the recorder, the council shall be deemed to have acquired jurisdiction to order the making of such improvements.

**274. Tax to be equitable. How levied.** All special taxes to cover the cost of any public improvement herein authorized shall be levied and assessed on all blocks, lots, parts of blocks and lots, lands, and real estate bounding, abutting, or adjacent to such improvement or within the districts created for the purpose of making such improvement, to the extent of the benefits to such lots, parts of lots, lands, and real estate by reason of such improvement; such benefits to be equal and uniform. Such assessments may be according to the square foot or foot frontage, and may be prorated and scaled back from the line of such improvement and an allowance made for corner lots so that they shall not be assessed at full rate on both streets, according to such rules as the council shall consider fair and equitable; and all such assessment and finding of benefits



shall not be subject to review in any legal or equitable action, except for fraud, gross injustice, or mistake; *provided*, that when any public improvement shall extend into or through any undivided tract or parcel, or parcels, of land, said taxes shall be levied so as not to be charged against real estate adjoining such improvement for a greater depth than the average distance through the subdivided real estate to be taxed for said purpose.

**275. Description in levy.** It shall be sufficient, in any case, in making a levy or assessment of any tax, to describe the lot or piece of ground as the same is platted and recorded, although the same may belong to several persons; but in case any lot or piece of ground belongs to different persons, the owner of any part thereof may pay his proportion of the tax on such lot or piece of ground, and his proper share may be determined by the city treasurer.

**276. Total cost in one levy.** The cost and expense of grading, filling, culverting, curbing, guttering, or otherwise improving, constructing, or repairing streets, avenues, alleys, and sidewalks at their intersections, may be included in the special tax levied for the construction or improvement of any one street, avenue, alley, or sidewalk, as may be deemed best by the council.

**277. When levied.** Special taxes may be levied as the improvements are completed in front of, or along, or upon any block, or lot or part thereof, or piece of ground, or at the time the improvement is entirely completed, or otherwise, as shall be provided in the ordinance levying the tax.

**278. Notice of delinquency.** When any special tax is levied it shall be the duty of the city recorder to deliver to the city treasurer a certified copy of the ordinance levying such tax, and such treasurer shall without delay give at least five days' notice in one or more newspapers having general circulation in said city, of the time when such tax will become delinquent.

279. **Special tax for other purposes.** Special or local taxes may be levied by the council for the purpose of constructing, reconstructing, extending, or maintaining waterworks, reservoirs, canals, and ditches, laying pipes and mains, erecting hydrants, and keeping the same in repair; for the purpose of supplying water for domestic and irrigating purposes, or either, and for the purpose of regulating, controlling and distributing the same, and for the purpose of regulating and controlling water and water courses leading into the city; for constructing and maintaining gas, electric, or other plants for illumination, and the necessary means and cost of distribution; and for constructing, extending, and repairing sewers and drains; such taxes to be levied on the real estate lying and being within the district in which such improvements may be made, or for the benefit of which such taxes are to be expended, to the extent of the benefits to such property, by reason of such improvement or expenditure, the benefits to such property to be determined by the council; *provided*, that in cases where the council shall find such benefits to be equal and uniform, such levy may be according to the front feet or square feet of lots or real estate within said district benefited by such improvement or expenditure, and all taxes or assessments made for such purposes, shall be collected in the same manner as other special assessments, and shall be subject to the same penalty; *provided*, that a tax levied for supplying water for irrigation and for distributing and regulating the same, may be levied on real estate according to the amount of water used thereon, or may be levied as an acreage tax.

280. **Repairs.** The foregoing provisions of this chapter shall apply to the repaving of streets and sidewalks, but not to repairs thereon. The council shall, by ordinance, define what constitutes repaving, what repairs, and what extraordinary repairs. The cost of ordinary repairs shall be borne by the city; and the council may levy and collect special taxes upon the abutting property for the purpose of

defraying the cost of repairs defined to be extraordinary without previous notice of intention, or any right of the property owners to protest. The right of protest shall not exist in cases where, for any reason, any part of a street or sidewalk lying within a paving district or any extension thereof, shall not have been paved when the remainder of such district or extension was paved, and the council shall afterward levy a tax upon the abutting property for the pavement of the same.

**281. Special assessments a lien.** Special assessments made and levied to defray the cost and expenses of any work contemplated by the provisions of this chapter and the cost of collection thereof, shall constitute a lien upon and against the property upon which such assessment is made and levied, from and after the date thereof, and such assessments shall be collected in the manner prescribed by ordinance.

**282. Change of grade. Damages.** Whenever by the grading of any street, alley, or other public ground in a city, pursuant to the action of the city authorities in changing the established grade of such street, alley, or public ground, after valuable improvements have been made upon real property abutting thereon, such real property is injured or diminished in value, the owner of such real property or improvements may recover from such city the amount of such damages or diminution in value in a civil action brought for that purpose. This section shall be held to cover and apply to all cases wherein a change of established grades of streets, alleys, or public grounds may have been heretofore determined upon, but has not been carried into actual effect.

#### EXTENSION OF CORPORATE LIMITS.

**287. Petition. Proceedings.** Whenever a majority of the owners of real property of any territory lying contiguous to the corporate limits of any city shall desire

to annex such territory to any city, they shall cause an accurate plat or map of the said territory to be made under the supervision of the city engineer, or of a competent surveyor, and a copy of said plat or map, certified by said engineer or surveyor, as the case may be, shall be filed in the office of the recorder of the city, together with a petition in writing, signed by a majority of the real property owners of the property described in said plat; and the city council, at the next regular meeting thereof, shall vote upon the question of such annexation. If two-thirds of all the members of the council vote for such annexation, an ordinance shall be prepared and passed, declaring the annexation of said territory and the extension of the limits of said city accordingly. A copy of the map or plat hereinbefore referred to, duly certified and acknowledged as provided by law in such cases, shall at once be filed in the office of the recorder of the proper county together with a certified copy of the ordinance declaring such annexation, and thereupon such annexation shall be deemed complete, and the said territory shall be deemed and held to be a part of said original city, and the inhabitants thereof shall thereafter enjoy the privileges and benefits of such annexation and be subject to the ordinances and regulations of said city.

#### RESTRICTION OF CORPORATE LIMITS.

**288. Petition. Proceedings.** Whenever a majority of the real property owners of any territory within and lying upon the borders of any city, shall file with the clerk of the district court of the county in which such territory lies, a petition praying that such territory be disconnected therefrom, and such petition sets forth reasons why such territory should be so disconnected from such city, and is accompanied with a map or plat of the territory sought to be disconnected, and designates no more than five persons who are empowered to act for said petitioners in such proceedings, such court shall cause a notice of the filing of the same to be served upon said city, in the same manner



as a summons in a civil action, and shall also cause notice to be published in some newspaper having general circulation in such city, for a period of ten days. Issue shall be joined and the cause tried as provided for the trial of civil causes, as nearly as may be. The proper authorities of such city or any person interested in the subject matter of said petition, may appear and contest the granting of the same.

**289. Adjustment of terms.** If the court finds that the petition was signed by a majority of the real property owners of the territory concerned, and that the allegations of the petition are true, and that justice and equity require that such territory or any part thereof should be disconnected from such city, it shall appoint three disinterested persons as commissioners, to adjust the terms upon which such part shall be so severed as to any liabilities of such city that have accrued during the connection of such part with the corporation, and as to the mutual property rights of the city and the territory to be detached.

**290. Report of commissioners. Decree.** The commissioners shall, at a time by them fixed, hear the agents named in the petition, and also the proper authorities of the city in regard to the subject matter so submitted, and, as soon as practicable, report their findings in the premises to the court. Upon the filing of which report, the court shall decree in accordance therewith, and with the prayer of the petition, unless for good cause shown, the court shall modify the same, or shall reject or set aside the report and appoint new commissioners, and continue the cause for further action to be had thereon.

**291. Court may levy taxes.** The court shall have power to order such taxes levied from time to time on the property included within the detached territory, as may be requisite for the purpose of paying its just proportion of the municipal obligations; the board of county commissioners shall levy such taxes under the direction of the court, and the same shall be collected by the county treasurer as other taxes.

**292. Recording decree. Costs.** Upon the entering of a decree detaching said territory, or any part thereof, the clerk shall file a certified copy of the same and of the plat, in the office of the recorder of the county and in the office of the secretary of state; and when so filed, the severance shall be complete. Each party shall pay its own witnesses, and the petitioners shall pay all other costs.

**BONDING FOR WATER, LIGHT, OR SEWERS.**

**308. City or town may incur indebtedness for supplying water, etc.** Any city or town in this state is hereby authorized to incur an indebtedness not exceeding four per cent of the value of the taxable property therein, for the purpose of supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality, when the proposition to create such debt shall have been submitted to a vote of such qualified electors as shall have paid a property tax in the year preceding such election and a majority of those voting thereon shall have voted in favor of incurring such debt.

Authorized indebtedness for water, light, etc.. Con. art. 14, sec. 4.

**309. Proposition to be submitted to voters. Notice.** When the city council of any city or the board of trustees of any town shall have decided to submit the question of incurring a bonded indebtedness, it shall, by order, specify the particular purpose for which the indebtedness is to be created and the amount of bonds which it is proposed to issue, and shall further provide for submitting the question of the issue of such bonds to the qualified electors of the city or town at the next general election, or at a special election to be called for that purpose by the council or the board, as the case may be. If the question is submitted at a special election, it shall be held, except as herein otherwise provided, as nearly as possible in conformity with the general election laws of the state. Notice shall be given of such election by publication in some newspaper or newspapers published in the city or town for four weeks prior



thereto; or if there be no newspaper, then by posting notices. The council or the board, as the case may be, shall cause ballots to be printed and furnished to the qualified electors, which shall read: "For the issue of bonds." "Yes." "No." If a majority of the qualified electors voting thereon shall have voted in favor of incurring such indebtedness, the board may proceed to issue the amount of bonds specified.

### 310. Bonds, how issued and disposed of. Tax.

The city council or the board of trustees, as the case may be, shall provide by ordinance for the issuance and disposal of such bonds; *provided*, that no such bonds shall be sold for less than their face value. The city council or the board of trustees, as the case may be, shall annually levy a sufficient tax to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of contracting the same.

### REPEALS.

311. **Repeal of special charters. Effect.** The special charters of all cities and towns in this state, and all amendments thereto, are hereby repealed; but all of said cities and towns are perpetuated as such respectively under their present names and boundaries and subject to the provisions of this title. The officers of such cities and towns now in office, shall continue in their respective offices until the election and qualification of the officers herein provided for; and shall perform such duties as may be imposed by law and such other duties conformable with this title, as may be prescribed by ordinance. All rights and property of every kind and description now vested in any municipal corporation under its present organization shall be deemed and held to be vested in the same municipal corporation upon its becoming subject to the provisions of this title; but no rights or liabilities either in favor of or against such corporation now existing, and no action or prosecution of

any kind, shall be affected by such change, but the same shall stand and progress as if no change had been made. The ordinances and resolutions now in force in any city or town shall continue in full force and effect until repealed or amended, notwithstanding the change herein provided for, so far as such ordinances and resolutions are not in conflict with the provisions of this title.

#### CLAIMS FOR DAMAGES.

**312. Presentation, time for. Action.** All claims against a city or town for damages or injury alleged to have arisen from the defective, unsafe, dangerous, or obstructed condition of any street, alley, crosswalk, sidewalk, culvert, or bridge of such city or town or from the negligence of the city or town authorities in respect to any such street, alley, crosswalk, sidewalk, culvert, or bridge, shall within ninety days after the happening of such injury or damage, be presented to the city council of such city or board of trustees of such town in writing, signed by the claimant or some authorized person, and properly verified, describing the time, place, cause, and extent of the damage or injury; and no action shall be maintained against any city or town as aforesaid for injuries to person or property, unless it appears that the claim for which the action was brought was presented to the council as aforesaid, and that the council or board did not within ninety days thereafter, audit and allow the same.

**313. Claims barred if not presented.** It shall be a sufficient bar and answer to any action or proceeding against a city or town in any court, for the collection of any such claim or demand, either for injury to property or person, that it had not been presented to the council of such city or the board of trustees of such town, in the manner herein prescribed, for audit and allowance, within said ninety days as aforesaid.

## JUSTICES' COURTS.

**687. Place of residence and of holding court.**

Every justice of the peace shall reside in and shall hold a justice's court in the precinct or city for which he is elected; *provided*, that where more than one precinct is embraced within the limits of any incorporated city or town, the justice of the peace of such precincts may hold court at any place within their respective cities or towns.

**688. Civil jurisdiction.** The justices' courts shall have civil jurisdiction within their respective precincts or cities:

1. In actions arising on contract for the recovery of money only, if the sum claimed is less than three hundred dollars.

2. In actions for damages for injury to the person, or for taking or detaining personal property, or for an injury to real property where no issue is raised by the answer involving the plaintiff's title to or possession of the same, if the damages claimed be less than three hundred dollars.

3. In actions for a fine, penalty, or forfeiture, less than three hundred dollars, given by statute or by the ordinances of an incorporated city, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll, or municipal fine.

4. In actions upon bonds and undertakings conditioned for the payment of money, if the sum claimed is less than three hundred dollars, though the penalty may exceed that sum. When the payments are to be made by installments, an action may be brought for each installment as it becomes due.

5. In actions to recover the possession of personal property, when the value of such property is less than three hundred dollars.

6. To take and enter judgment on the confession of a defendant, when the amount confessed is less than three hundred dollars.

689. **Concurrent jurisdiction.** The justices' courts shall have concurrent jurisdiction with the district courts within their respective precincts and cities:

1. In actions of forcible entry, forcible detainer, or unlawful detainer, where the whole amount of the rent and damages claimed is less than three hundred dollars.

2. In actions to enforce and foreclose liens on personal property, where the amount of the liens and the value of the property are each less than three hundred dollars.

690. **Process to any part of county.** Mesne and final process of justices' courts may be issued to any part of the county in which they are held.

691. **Criminal jurisdiction.** Justices' courts have jurisdiction of the following public offenses committed within the respective counties in which such courts are established:

1. Petit larceny.

2. Assault or battery not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the act a felony.

3. Breaches of the peace, committing a wilful injury to property, and all misdemeanors punishable by a fine less than three hundred dollars, or by imprisonment in the county jail or city prison not exceeding six months, or by both such fine and imprisonment.

#### ELECTION—REGISTRATION.

816. **New registration in presidential year. Procedure at other elections.** An entirely new registration of voters shall be made in each year of the presidential election, and every person desiring registration must appear in person and make application therefor. For all other general, and for municipal elections, the "official register" of the next preceding election shall be revised by adding thereto the names of all persons registered on the proper days therefor prior to such general or municipal



election. For all such general and municipal elections held prior to the presidential election in November, nineteen hundred, the general registration made in the year eighteen hundred and ninety-six shall be taken as a basis for revision. For all special and school elections there shall be no special registration of voters, but the "official register" last made or revised shall constitute the "official register" for such special or school election.

**817. Municipal elections, registration for. Expense.** It shall be the duty of the registry agents, appointed as herein provided for the election districts within the several incorporated cities and towns, at any time when called upon to do so at their respective offices and not elsewhere, between the hours of eight o'clock a. m. and nine o'clock p. m. of the first and third Tuesdays prior to the municipal or town election, to receive and register the names of all persons applying for registration who are legally qualified and entitled to vote at such election, or who will legally have acquired a residence (being otherwise qualified) and who have a right to vote at such ensuing election according to the provisions of law under which such election may be held in each election district. The expense of such registration shall be paid by the city or town for which the same is made.

All registry agents to be appointed by county commissioners, § 319. Code.

**818. Official register to special election.** Before the day on which any special election is appointed to be held, the registry agent must furnish one of the judges in his election district, at a time not later than one day next preceding the day the election is to be held, a copy of the official register for his district, but no copies need be posted.

**821. Person must register to vote.** No person shall hereafter be permitted to vote at any general, special, municipal, or school election, without having first been registered within the time and in the manner and form required by the provisions of this chapter.

## MUNICIPAL ELECTIONS.

**887. Date of municipal elections. Term of office begins when.** On the Tuesday next following the first Monday in November, eighteen hundred and ninety-seven, and biennially thereafter, there shall be held in each incorporated city and town of this state, an election to fill all elective offices in said cities and towns; and the officers then elected shall qualify and enter upon their duties at twelve o'clock meridian on the first Monday in January next succeeding their election, and continue in office for two years and until their successors are elected and qualified. The term of office of all the present elective officers shall expire at twelve o'clock meridian on the first Monday in January, eighteen hundred and ninety-eight.

**888. Appointive officers hold till successors qualify.** All appointive officers in said cities and towns shall hold their respective offices until their successors shall be appointed and qualified.

**889. Qualifications for voters at municipal election.** All qualified electors of the state who have resided in the county four months, and in the precinct and city or town for sixty days next preceding any municipal election are entitled to vote at such election.

**890. Appointment of judges of election. Voting places. Laws governing election.** In all municipal elections the city council and board of trustees of the town shall appoint judges of election and designate the places of voting. There must be at least one voting place in each election district in cities. All elections must be conducted according to the general laws of the state, and all notices and lists of names required to be posted by registry agents prior to any general election shall also be posted by the registry agents prior to any municipal election, the necessary changes being made as to time of posting same.

Election expenses to be paid by cities and towns, §§ 841-842.



**891. Canvass of returns and issue of certificates.**

**Tie votes.** On the Monday following any election, the city council or the board of trustees of the town must convene and publicly canvass the result, and issue certificates of election to each person elected by a plurality of votes. When two or more persons have received an equal and highest number of votes for any one of the offices voted for, the tie shall be decided by lot in the presence of the mayor and city recorder, or the president of the board of trustees and the town clerk, as the case may be, upon a day designated by the mayor or by the president of the board of trustees.

**1015. Officers to keep account of fees. Payment into treasury.** All state, district, county, city, town, and school officers, excepting notary public, boards of arbitration, justices of the peace, and constables, shall keep a correct account of all fees collected by them, and shall pay the same into the proper treasury, and the officer whose duty it is to collect such fees shall be held responsible under his bond for the same.

**1023. All officers must keep fee books.** It shall be the duty of every officer in this title named, who is authorized to receive any fees for official services of himself or deputies, to keep a fee book, in which he shall enter an exact and full account, in detail, of all fees, commissions, or compensations, of whatever nature or kind, by him or his deputies earned, collected, or chargeable, with date, the name of the payer, and the nature of the service in each case. If any person shall hold more than one office, he may keep a separate fee book for each office, and may make separate statements for each, or he may keep a joint fee book and make joint statements, at his discretion.

**1024. All officers to post fee bill.** It shall be the duty of every officer herein specified, to prepare and keep posted in a conspicuous place in his office, a plain and legible statement of the fees allowed by law, upon pain of forfeiting, for failure to do so, fifty dollars, to be recovered,

with costs, by any person, before any justice of the peace of the county.

**1025. Publication by officer, prepayment of cost.** When, by law, any publication is required to be made by an officer, of any suit, process, notice, order or other paper, the cost of the same must be tendered by the party for whom such order of publication was granted before the officer shall be compelled to make such publication.

**1026. Receipt for fees paid.** Every officer, upon receiving any fees for official duties or services, may be required by the person paying the same to make out in writing and deliver to such person an itemized account of such fees, and shall receipt the same; and if he refuses or neglects to do so when required, he shall be liable to the party paying the same for three times the amount so paid.

**1027. Not keeping fee book, etc. Penalties.** If any officer shall refuse or wilfully neglect to keep a fee book, or to file a sworn statement, or to make returns, as herein required, he shall be deemed guilty of a misdemeanor.

**1029. Id. Other penalties.** Any public officer who shall charge and receive for any service rendered by him any other or greater amount than is prescribed by law for such service shall be deemed guilty of a misdemeanor, and shall forfeit to the person aggrieved the amount thereof and twenty-five dollars as damages, and shall pay costs of suit.

**1030. False certification as to fees a felony.**  
• Every clerk of the district court, county attorney, justice of the peace, or other officer who shall certify as a fact any matter which he knows to be untrue, whereby any witness or juror shall be allowed a greater sum than he would otherwise be entitled to under the provisions of this title, shall be deemed guilty of a felony.

**1031. Officers forbidden to purchase certificates.** No person connected officially with any of the district courts of this state, and no state, district, county, or precinct officer, shall purchase, or cause to be purchased any certificate issued to any juror or witness under the provisions of this title. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

**1033. Allowing suit without fees. Penalty.**

Every justice of the peace who files in his office any complaint, or allows a civil action to be commenced in his court, without the fees being paid therefor in advance, except in cases permitted by the statutes, is guilty of a misdemeanor.

LOCAL BOARDS.

**1105. Municipal boards.** It shall be the duty of the board of trustees or city council of every incorporated town or city of the state, to establish by ordinance a board of health for such town or city, to consist of three or more persons, one of whom, when practicable, shall be a physician, a graduate of a regularly chartered medical college, who shall be the executive officer of the board and be known as the health officer.

**1107. Duties and powers.** Every local board of health, whether county or municipal, shall supervise all matters pertaining to the sanitary condition of its county, town, or city, and shall have power and authority to order nuisances or the cause of any special disease or mortality to be abated and removed.

**1108. Reports to state board.** Every local board of health or health officer shall report to the secretary of the state board of health at such time as the state board may require, the sanitary condition of the locality, the number of births and deaths, and the causes of death as near as can be ascertained within their jurisdiction, during the preceding month; also the presence of epidemic or other dangerous, contagious, or infectious diseases, and such other matters within their knowledge or jurisdiction as the state board of health shall require.

1109. **Sanitary rules and ordinances.** It shall be the duty of the board of trustees of every incorporated town, and of the city council of every incorporated city, and of the board of county commissioners of each county in the state, to establish by ordinance such sanitary rules and regulations as may be necessary to promote the general health, and to prevent the outbreak or spread of infectious or contagious diseases; and to provide penalties for the infraction of any of such ordinances.

1110. **Quarantine.** Any local board of health may declare quarantine in its county, city, or town, or any part thereof, against a contagious or infectious disease prevailing there or elsewhere, and against all persons and things likely to spread contagion and infection. Each of such boards shall have power and authority to enforce such quarantine until the same is raised by it, and may confine any person affected with or likely to spread contagion or infection to the house or premises in which he resides, or to a place to be provided by the board for the purpose.

#### INTOXICATING LIQUORS.

1242. **License necessary.** No person shall manufacture, sell, barter, deal out, or otherwise dispose of any spirituous, vinous, malt, or other intoxicating liquors, without first obtaining from the board of county commissioners of the county, or city council of the city, or board of trustees of the town in which he intends to do business, a license therefor, as hereinafter provided.

1243. **Id. Who may grant. Petition. Bond.** The boards of county commissioners in their respective counties, and the city councils in their respective cities, and the board of trustees in their respective towns, are hereby authorized to grant licenses, as contemplated in section twelve hundred and forty-two, to any person over the age of twenty-one years, upon an application being made for such license, by petition signed by the applicant and filed with the county clerk, city recorder, or town clerk, as the case



may be. Said petition must state definitely the particular place at which any of the liquors named in section twelve hundred and forty-two are intended to be manufactured, sold, bartered, dealt out, or otherwise disposed of, and whether the applicant intends to carry on a retail or wholesale business. Before a license is granted to the applicant he shall execute a bond to the county, city, or town, as the case may be, conditioned that during the continuance of his license he will keep an orderly and well-regulated house; that he will not allow gambling with cards, dice, or any other device or implements used in gambling, within his house, out-house, yard, or other premises under his control; that he will pay all damages, fines, and forfeitures which may be adjudged against him under any of the provisions of this title. Said bond shall be fixed by the board of county commissioners, city council, or board of trustees of the town, as the case may be, in any sum not less than five hundred dollars, nor more than one thousand dollars, with two or more sureties, to be approved by said board, by the mayor of the city, or president of the board of trustees of the town, as the case may be. Said sureties must justify on oath, before some officer authorized to administer oaths, that they are residents within the county, city, or town, as the case may be, and worth the amount justified to, over and above all other debts and liabilities, exclusive of property exempt from execution. Such justifications shall be in writing, signed by the persons justifying, and certified to by the officer who administers the oath, and attached to and filed with the bond.

1244. **Id. Rate. Time.** The board of county commissioners, the city council, or the board of trustees of the town, as the case may be, after the petition, statement, and bond have been filed as required in the preceding section, shall determine the amount to be paid for the license prayed for, which shall be at a rate of not less than four hundred dollars, for the period of one year; but licenses of the same classes of business shall be uniform in amount in suc



town, city, or county. Said board or council, as the case may be, shall also determine the time for which the license shall be granted, but no license shall be issued for a longer period than one year, nor for a less period than three months.

**1245. Id. Refusal for good cause. Proximity to schools, etc.** Any application for such license may be refused for good cause, in the discretion of the board of trustees of the town, the city council of the city, or board of county commissioners, and no such license shall be granted to any establishment except a hotel, located within three hundred feet of any public school building used for that purpose, or within fifty feet of any theatre, variety theatre, or concert hall, or any like place of amusement; *provided*, that the commissioners of any county shall not grant a license for the sale of intoxicating liquors within a half a mile of the boundaries of any incorporated city or town for a less amount than is provided by ordinance of any such city or town.

**1247. Revocation. Notice.** The board of county commissioners, city council, or the board of trustees, for good cause and upon not less than three days' notice to the licensee of the time and place at which the proposed revocation will be considered, may revoke a license granted to the keeper of any saloon, tippling house, or dram shop, or for the selling or giving away of any intoxicating drink or malt liquors within the county, city, or town, as the case may be.

Defendant issued plaintiff a liquor license, and the latter paid for three months: within a month after issuance, defendant revoked the license without preferring charges, upon informal notice of the hearing, but without citing him to show cause; held, that the revocation without giving plaintiff an opportunity to be heard was void. *Pehrson v. City Council*, 14 U 147; 46 P. 657.

**1248. Payment for license. Form.** The amount to be paid for a license as determined by the board of county commissioners, or city council, or the board of trustees, must be paid into the county, city, or town treasury, as the case may be, by the applicant, who, upon receiving the

treasurer's receipt, shall present the same to the county clerk, the town clerk, or the city recorder, as the case may be. The county clerk, or town clerk, or city recorder shall thereupon issue to the applicant a certificate of license, which certificate must state the name of the person licensed; the place of business; the kind or kinds of liquors to be manufactured, sold, bartered, or otherwise disposed of; the date of commencement and of expiration of such license; whether it is for a retail or wholesale business; that the person named therein is duly authorized to carry on the business of manufacturing, selling, bartering, or otherwise disposing of intoxicating liquors at the place and for the time therein specified; and that the license is not transferable. Said certificate shall be signed by the county clerk, town clerk, or city recorder, as the case may be, who shall seal the same with his official seal.

#### PUBLIC LIBRARIES.

##### 1369. In cities of the third class and towns.

**Tax.** When fifty legal voters of any city of the third class or of any town, shall present a petition to the recorder or clerk of such city or town, asking that an annual tax be levied for the establishment and maintenance of a free public library in such city or town, and shall specify, in their petition, a rate of taxation not to exceed one mill on the dollar, such recorder or clerk shall, in the next legal notice of a regular biennial election in such city or town, give notice that at such election every elector who shall have paid a property tax therein in the year next preceding such election, may vote "for a ——— mill tax for a free public library, yes—no," specifying in such notice the rate of taxation mentioned in said petition; and if the majority of all the votes cast in such city or town, shall be "for the tax for the free public library," the tax specified in such notice shall cease in case the legal voters of any such city or town shall so determine by a majority vote, at any biennial election held therein; and the corporate authorities of such cities of the third class, and of towns, may exercise the same powers

conferred upon the corporate authorities of cities of the first and of the second class under this chapter.

**1370. Id. Directors. Terms. Powers.** At the same election that any city of the third class or any town shall vote on the proposition to levy a tax and to establish a free public library, there may be elected a library board of six directors, one-third for two years, one-third for four years, one-third for six years; and biennially thereafter there shall be elected two directors, who shall hold office for two years, and until their successors are elected and qualified; which board shall have the same powers as are by this chapter conferred upon the board of directors of free public libraries in cities of the first and of the second class, and said directors shall receive no compensation.

**1371. Voting for tax and directors.** When the question of a tax for a library fund shall be submitted as provided in section thirteen hundred and sixty-nine, ballots shall be prepared containing only the words, "for a—— mill tax for a free public library, yes—no," and the names of the voters chosen for directors of such free public library; and a special ballot box shall be provided for the reception of such ballots.

#### CITY AND TOWN TAXES.

**2687. Assessment made by county assessor.** Assessments for the taxes of each incorporated city and town in this state shall be made by the county assessor of the county in which such incorporated city or town is situated, at the same time that assessments for state and county taxes are made, and the list of the property in each incorporated city and town in his county, and the valuation thereof shall be so made by the county assessor that the property in each and the valuation thereof can be separately shown.

**2688. Assessor's statement. Copy of assessment rolls, when furnished.** On or before the first Monday of June in each year the county assessor of each county in

which there is situated any incorporated city or town, shall deliver to the clerk or recorder of each city and to the clerk or president of the board of trustees of each town, a statement showing the aggregate valuation of all the taxable property in such city or town; and shall deliver to the recorder of each city of the third class and to the clerk of each town a copy of that part of the assessment roll containing the assessment of property in each such city or town, respectively, which shall be used as the basis for general municipal taxes therein until the next county assessment is made.

#### **2689. Rate, when fixed. Levy. Certification.**

The city council of each city and the board of trustees of each town shall, on or before the first Monday of July in each year, determine the rate of the general city or town tax, levy the same, and in the cases of cities of the first and of the second class shall certify the rate and levy to the county auditor of the county in which such city is situate.

#### **2690. Equalization of taxes. \* \* \* \* \***

The city councils of cities of the third class and boards of trustees of towns shall meet as boards for the equalization of the assessment of property within their respective cities or towns, so far as concerns their general municipal taxes, on the first Monday in June of each year, and shall continue in session for such purpose until such time, not later than June twentieth, as may be necessary. Said board may remit the city or town taxes of any insane, idiotic, infirm, or indigent person to an amount not exceeding five dollars for the current year.

The state supreme court, May term, 1898, in case of Morgan Richards, Jr., state auditor, vs. Francis Armstrong, et al., commissioners of Salt Lake county; held that remitting, or abating, taxes is an exemption, and that section 2579 R. S. (similar language to the above section) is unconstitutional and void.

#### **2692. County officers liable on bonds.**

County officers intrusted with the assessment, collection, or custody of city or school district taxes, and their sureties, shall be liable upon their official bonds for the faithful performance

of their duties in the assessment, collection, and safe keeping of said city and school district taxes.

2693. (**Treasurer to collect taxes.**) \* \* \* The general taxes of each city of the third class shall be collected by the city treasurer, and those of each town, by the clerk, or such other officer as may be designated by ordinance.

2694. **Municipal taxes due and delinquent, when. Lien attaches.** All general city or town taxes levied and assessed under the provisions of this chapter, shall become due and delinquent, and shall attach to and become a lien on the real and personal property assessed, at the same time as state and county taxes; and all the provisions of this title in aid of assessing and collecting state and county taxes are hereby made applicable to the assessment and collection of such city and town taxes.

2696. **Special taxes.** In cities and towns, special taxes shall be levied and collected in the manner and form, and by such officers as are now or may hereafter be provided by law and the ordinances of such city or town.

#### POLICE AND THEIR ATTENDANCE.

4539. **Police governed by special statutes.** The organization and regulation of the police, in the cities, towns, and counties of the state, are governed by special statutes.

4540. **Ordering police to preserve peace at public meeting.** The mayor or other officer having the direction of the police of a city, town, or county must order a sufficient force to preserve the peace, to attend any public meeting, when he is satisfied that a breach of peace is reasonably apprehended.



JUSTICES' COURTS.—COMPLAINT, WARRANT, PLEA, AND  
CHANGE OF VENUE.

**5124. Jurisdiction extends to county limits.**

In criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

**5125. Requisites of complaint.** Proceedings and actions before a justice's court for a public offense must be commenced by complaint under oath, setting forth the offense charged, with such particulars of time, place, person, and property as to enable the defendant to understand distinctly the character of the offense complained of, and to answer the complaint.

**5126. Warrant of arrest. Form.** If the justice of the peace is satisfied that the offense complained of has been committed, he must issue a warrant of arrest, which must be substantially in the following form:

STATE OF UTAH,                    }  
COUNTY OF———.                }

The state of Utah to any sheriff, constable, marshal, or policeman in this state:

Complaint upon oath having been made this day before me———, justice of the peace, by C D that the offense of (designating it generally) has been committed, and accusing E F thereof; you are therefore commanded to arrest the above named E F and bring him before me forthwith at (naming the place).

Witness my hand at———, this———day of———A. D. 18—.

A B, Justice of the peace.

**5127. Justice to keep docket. Entries.** A docket must be kept by the justice of the peace, in which must be entered each action, and the proceedings of the court therein.

**5128. Trial. Complaint to be read. Plea.** Before trial commences, the complaint must be distinctly read to the defendant, and he must be asked if he is designated therein by his right name, and be required to plead.

**5129. Name of defendant. Four kinds of pleas.**

If the defendant objects that he is wrongly named in the complaint and gives his right name, the proceeding shall be amended accordingly. If he does not give his right name, he is thereafter precluded from making any objections on the grounds that he is not designated by his right name. There are four kinds of pleas to a complaint; a plea of—

1. Guilty.
2. Not guilty.
3. A former judgment of conviction or acquittal of the offense charged, which may be pleaded either with or without the plea of not guilty.
4. Once in jeopardy, which may be pleaded with or without the plea of not guilty.

**5130. Pleas must be oral. Plea of guilty. Higher offense.** Every plea must be oral and entered in the minutes. If the defendant pleads guilty, the court may, before entering such plea or pronouncing judgment, examine witnesses to ascertain the gravity of the offense committed; and if it appears to the court that a higher offense has been committed than the offense charged in the complaint, the court may order the defendant to be committed or admitted to bail, to answer any information that may be filed or any indictment that may be found against him.

**5131. When trial to begin.** Upon a plea other than a plea of guilty, unless a jury is demanded or an adjournment or change of venue is not granted, the court must proceed to try the case.

**5132. Change of place of trial. Grounds. Affidavit.** A change of the place of trial may be had at any time before the trial commences:

1. When the defendant files an affidavit in writing, stating that he has reason to believe, and does believe, that he cannot have a fair and impartial trial of the action before the justice about to try the same, by reason of the bias or prejudice of such justice, the action must be transferred to

a justice of the county agreed upon by the parties, or, if there is no agreement, to the nearest justice within the county to which such objection does not apply.

2. When it appears by affidavit that the defendant cannot have a fair and impartial trial, by reason of the prejudice of the citizens of the precinct or city, the action must be transferred to a justice of a precinct in the same county where the same prejudice does not exist.

5133. **Id. But one change allowed.** The place of trial shall not be changed more than once.

5134. **Procedure when change ordered.** When a change of the place of trial is ordered, the justice must forthwith attach to the original papers a certified copy of his docket entries in the action, and deliver the same to an officer, who must execute the order without delay by taking the defendant, if in custody, before the justice named and delivering to such justice the papers so received. Upon receipt thereof the justice to whom the action is transferred must proceed in the same manner as if the proceeding or action had been originally commenced in his court.

5135. **Postponement of trial for cause.** Before the commencement of a trial in a justice's court either party may, upon good cause shown, have reasonable postponement thereof.

5136. **Grounds of demurrer to complaint.** The defendant may demur to the complaint when it appears upon the face thereof:

1. That it does not conform to the requirements of section fifty-one hundred and twenty-five.

2. That the facts stated do not constitute a public offense.

3137. **Demurrer sustained. New complaint or discharge.** If the demurrer be sustained a new complaint must be filed within such time not exceeding one day as the justice may name; if such new complaint be not filed the defendant must be discharged.

## FORMATION OF A JURY.

**5138. Trial in defendant's absence forbidden. Exception.** The trial must not proceed in the absence of the defendant, unless he voluntarily absents himself with full knowledge that the trial is being had.

**5139. Jury waived unless demanded.** A trial by jury shall be deemed to be waived unless a jury is demanded by either party.

When defendant not entitled to jury for offense against city ordinance. §241, p. 36.

**5140. Jurors: summoning, qualifications, challenges.** The qualifications of, and manner of summoning jurors to serve in justices' courts are prescribed under the title of "Jurors," title thirty-five of the Revised Statutes. The provisions of chapter thirty-two of the code of criminal procedure, relative to challenging jurors, shall govern, as far as the same shall be applicable.

## THE TRIAL.

**5141. Oath administered to jury.** The jury having been impaneled the court must administer to them the following oath: "You do swear that you will well and truly try this issue between the state of Utah and A B, the defendant, and a true verdict render according to the evidence."

**5142. Duty of jury. Public trial, etc.** After the jury shall be sworn they must sit together and hear the proofs and allegations of the parties which must be delivered in public and in presence of the defendant.

**5143. Court to decide questions of law; cannot charge as to facts.** The court must decide all questions of law which may arise in the course of the trial, but can give no charge with respect to matters of fact.

**5144. Jury may decide in court or retire. Oath of officer.** After hearing the proofs and allegations, the jury may decide in court or retire for consideration. If

they do not immediately agree, an officer must be sworn to the following effect: "You do swear that you will keep this jury together in some quiet and convenient place, that you will not permit any person to speak to them, nor speak to them yourself, unless by order of the court, or to ask them whether they have agreed upon a verdict; and that you will return them into court when they shall have so agreed, or when ordered by the court."

**5145. Verdict delivered in public. Entry of.** When the jury shall have agreed on their verdict, they must deliver it publicly to the court, who must enter it, or cause it to be entered, upon the minutes.

**5146. Verdict as to one or more of defendants. Retrial of others.** When several defendants shall be tried together, if the jury cannot agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment must be entered accordingly, and the case as to the rest may be tried by another jury.

**5147. Form of verdict.** The verdict of the jury on a plea of not guilty must be to the effect that the jury find the defendant "guilty" or "not guilty," as the case may be. On any other plea, the verdict must be "for the state," or "for the defendant."

**5148. Jury discharged after verdict. Exception.** The jury cannot be discharged after the cause is submitted to them, until they have agreed upon and rendered their verdict, unless for good cause the court sooner discharges them.

**5149. Retrial when jury fail to agree.** If the jury is discharged, as provided in the last section, the court may proceed again to the trial, in the same manner as upon the first trial, and so on until a verdict is rendered.

**5150. Sickness of juror. Procedure.** If a juror be incapacitated by sickness for attendance through the trial, another juror may be summoned and the trial com-



menced over again, or the jury discharged and a new jury impaneled.

#### NEW TRIAL AND ARREST OF JUDGMENT.

**5151. Motion must be made before judgment.** At any time before judgment, the defendant may move for a new trial or in arrest of judgment.

**5152. Grounds for new trial.** A new trial may be granted in the following cases:

1. When the trial has been had in the absence of the defendant, unless he voluntarily absented himself with full knowledge that a trial was being had.

2. When the jury shall have received any evidence out of court.

3. When the jury shall have separated without leave of court, after having retired to deliberate upon their verdict, or been guilty of any misconduct tending to prevent a fair and due consideration of the case.

4. When the verdict shall have been decided by lot, or by any means other than a fair expression of opinion on the part of all the jurors.

5. When there shall have been error in the decision of the court, given on any question of law during the course of the trial.

6. When the verdict is contrary to law or evidence.

7. When new evidence is discovered material to the defendant, and which he could not, with reasonable diligence, have discovered and produced at the trial; but when a motion for a new trial is made upon this ground, the defendant must produce at the hearing the affidavits of the witnesses by whom such newly discovered evidence is expected to be given.

**5153. Grounds for motion in arrest of judgment.** The motion in arrest of judgment may be founded on any substantial defect in the complaint, and the effect of an arrest of judgment shall be to place the defendant in the situation in which he was before the trial was had.

## JUDGMENT AND EXECUTION.

**5154. Time for pronouncing judgment. Postponement.** After a plea or verdict of "guilty," or after a verdict against the defendant, the court must appoint a time for rendering judgment, which must not be more than two days nor less than six hours after the verdict is rendered, unless the defendant waives the postponement, or the judgment is arrested, or a new trial granted. If postponed, the court may hold the defendant to bail to appear for judgment. Unless such postponement is demanded, it shall be deemed to be waived.

Boy or girl under eighteen may be sent to industrial school, §2142. R. S.

**5155. Judgment on plea of guilty. Fine. Imprisonment at labor.** When a defendant pleads guilty or is convicted, the court must render judgment that he be punished by a fine or imprisonment, or by both, with or without costs. A judgment for the payment of a fine, or of a fine and costs, may also direct that the defendant be imprisoned at hard labor until such fine, or such fine and costs are paid, in the proportion of one day's imprisonment for every dollar of the fine and costs.

**5156. Acquittal. When complainant to pay costs.** When the defendant is acquitted, he must be immediately discharged. If it appears to the court the prosecution was malicious or without probable cause, it may render a judgment that the complainant pay the costs of the action, which judgment may be enforced in the same manner as a judgment in a civil action; and the complainant shall have the same right of appeal.

**5157. Fine without imprisonment. Execution.** A judgment which imposes a fine without directing that the defendant be imprisoned until the same is satisfied, may be enforced in the same manner as a judgment in a civil action, and execution shall issue accordingly.

**5158. Judgment of imprisonment, how executed.** A judgment of imprisonment must be executed by

delivering the defendant into the custody of the sheriff or other officer in charge of the county jail. A copy of the judgment, duly certified by the justice, is a sufficient warrant for the doing of every act necessary or proper in the due execution thereof. The officer shall, upon discharging the defendant, return such copy to the justice, with an account of his doings endorsed thereon, and must at the same time pay over to the justice all money which he may have received from the defendant in payment of the fine.

**5159. Fines, etc., to be paid into county treasury.** When a fine is paid, or bail is forfeited, the justice must pay the same to the county treasurer within thirty days thereafter.

In cities to city treasurer before last day of each month. Ord.

#### APPEAL.

**5160. Appeal must be taken within thirty days.** Any defendant in a criminal action tried before a justice of the peace may appeal from the final judgment therein to the district court of the county where the court of such justice is held, at any time within thirty days from the time of the rendition of the judgment.

**5161. Appeal how taken. Notice and undertaking.** The appeal shall be taken by giving notice and by filing an undertaking by or on behalf of the appellant, in at least double the amount of the fine or of the fine and costs, as the case may be, with at least two good and sufficient sureties, and conditioned that the appellant will appear at the first term of the court thereafter to which the appeal is taken and answer the charge of which he shall have been convicted, or will appear in whatever court it may be prosecuted, and will at all times hold himself amenable to the orders and process of such court, and if convicted will appear for judgment and surrender himself in execution thereof; or, if he fails to perform either of these conditions, that the sureties will pay to the state of Utah or to

the municipal corporation as the case may be, the sum specified in the undertaking.

**5162. Notice of appeal to be filed and served.** Notice of appeal shall be filed with the justice, and a copy thereof shall be served on the county attorney.

In cities on city attorney or mayor. Ord.

**5163. Justice to transmit papers on appeal. Deposit.** The justice must, within ten days after an appeal is perfected, transmit to the clerk of the district court all papers relating to the case and a certified copy of his docket. If money shall have been deposited in lieu of bond, it must accompany the return.

**5164. Witnesses may be required to give bonds.** When an appeal is taken, the justice must, if application is made by the county attorney, cause all material witnesses on behalf of the prosecution to enter into an undertaking in like manner as in a case where a defendant is held to answer on preliminary examination.

**5165. Trial anew in district court. Dismissal of appeal.** An appeal duly perfected transfers the action to the district court for trial anew. The appeal may be dismissed on either of the following grounds:

1. For failure to take the same in time.
2. For failure to appear in the district court when required.
3. For failure to file a sufficient undertaking; *provided*, that no appeal shall be dismissed for any insufficiency or informality in the undertaking, if the defendant files a sufficient undertaking in pursuance of an order of court. If the appeal is dismissed, a copy of the order of dismissal must be remitted to the justice, who may proceed to enforce the judgment.

**5166. Dismissal of complaint on appeal. Grounds.** The complaint, on motion of defendant, may be dismissed upon the following grounds:

1. That the justice did not have jurisdiction of the offense.
2. That more than one offense is charged therein.
3. That the facts stated do not constitute a public offense.

**5167. Defendant to plead anew. Procedure.**

If the defendant does not object to the complaint for any of the causes above specified, or if his objections are overruled, he must be required to plead as to an indictment or information, without regard to any plea entered before the justice. In other respects, the proceedings shall be the same as in criminal actions originally commenced in the district court, and judgment shall be rendered and carried into effect accordingly.

GENERAL PROVISIONS.

**5168. Subpœnas: proceedings governing.** A justice of the peace may issue subpœnas for witnesses or for interpreters, and punish disobedience thereof, as provided in chapter forty-seven of this code. The names of all the witnesses desired by both parties may be included in the same subpœna.

**5169. Bail: provisions governing.** The defendant at any time after his arrest and before conviction, may be admitted to bail. The provisions of chapter forty-five of the code of criminal procedure in district courts, relative to bail, shall be applicable to bail in justices' courts.

**5170. Contempt: provisions governing.** The provisions of the code of civil procedure in justices' courts, relative to contempts, shall be applicable to the criminal procedure in justices' courts.

**5171. Entitling affidavits: provisions governing.** The provisions of section five thousand and seventy-nine in respect to entitling affidavits are applicable to justices' courts.



**5172. Competency of witnesses: provisions governing.** The provisions of chapter forty-six of this code, relative to the competency of witnesses, shall be applicable to the criminal procedure in justices' courts.

**5173. When justice may depute a person to act as constable.** A justice of the peace may depute in writing any suitable and discreet person to act as constable when no constable is at hand, and the nature of the business requires immediate action.

# ACTS

PASSED BY THE THIRD STATE LEGISLATURE,  
1899.

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AN ACT RELATING TO THE POWERS OF CITY COUNCILS.  
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*Be it enacted by the Legislature of the State of Utah.*

SECTION 1. The city council of any city shall have the power to require the tracks of any steam or street railway company to be taken up and removed, which shall have been laid upon the streets, alleys, or highways of the city, and which tracks remain in said streets and highways of the city, contrary to the terms of the franchise of the said company, or which is declared by the city council a nuisance, or which said railway company has failed to operate for a period of nine (9) months prior to the time when such nuisance shall be declared; and shall have the power to declare any of the acts specified in this section a nuisance.

SEC. 2. The city council of any city shall have power to require any steam or street railway company to place gates at any place along its tracks, erect viaducts over the tracks, and is hereby authorized to designate the places where such gates shall be placed, and the nature, kind and quality of such gates.

SEC. 3. This act shall take effect upon approval.

AN ACT PROVIDING FOR THE EXPENSES OF ASSESSING AND  
COLLECTING TAXES IN CITIES OF THE FIRST, SECOND  
AND THIRD CLASS, ALSO INCORPORATED TOWNS.

*Be it enacted by the Legislature of the State of Utah:*

SECTION 1. That section 2695 of the Revised Statutes of Utah, 1898, be amended to read as follows:

SEC. 2695. Each city of the first class shall pay to the county in which it is situated, one-half of one per cent, and each city of the second class shall pay to the county one per cent on the amount of taxes collected, and such payments shall be in full for the services and compensation of the county assessor, county auditor and county treasurer and all other county officers in assessing, collecting and paying over the city tax, and cities of the third class and incorporated towns shall pay to the county one-half of one per cent on the taxes collected in such city or town in full for the services and compensation of the county assessor in assessing the tax and preparing the copy of the assessment roll as provided in sections 2687 and 2688 of the Revised Statutes of Utah of 1898.

AN ACT PROVIDING FOR THE SUPPRESSION OF NUISANCES AND  
CONTAGIOUS DISEASES, PRESCRIBING QUARANTINE  
RULES AND REGULATIONS THEREFOR, AND  
RELATING TO BURIAL PERMITS AND  
HEALTH OF SCHOOLS.

*Be it enacted by the Legislature of the State of Utah:*

NUISANCE.

SEC. 1. Whatever is dangerous to human life or health, and whatever renders soil, air, water or food impure or unwholesome, are declared to be nuisances and to be illegal, and every person, either owner, agent or occupant, having aided in creating or contributing to the same, or who may support, continue or retain any of them, shall be deemed guilty of a misdemeanor.

SEC. 2. No house refuse, offal, garbage, dead animals, decaying vegetable matter, or organic waste substance of any kind, shall be thrown or allowed to remain upon any street, road, ditch, gutter, public place, private premises, vacant lot, water course, lake, pond, spring or well.

SEC. 3. Whenever a complaint is made in writing or otherwise to the board of health, the executive officer thereof, or a regularly appointed inspector, shall forthwith investigate the matter and shall determine whether the alleged nuisance is detrimental to the public health, or the cause of any special disease or mortality; and in case he shall so find, then he shall notify the occupant, or if unoccupied, the owner or agent of said premises, in writing, of such finding, and shall order and direct the abatement and removal of the same within two days; and in the event of the failure of the occupant, or if unoccupied, the owner or agent of said property to abate and remove the nuisance, then the executive officer may proceed to abate and remove the same, and may employ all the force necessary to do so.

SEC. 4. No privy vault, cess-pool, or reservoir into which a privy, water closet, stable or sink is drained, shall be established or permitted within fifty feet of any well, spring or other source of water used for culinary or drinking purposes, without written permission from the board of health, based upon the advice of the medical health officer.

SEC. 5. No pig pen shall be built or maintained within one hundred feet of any well or spring of water used for drinking purposes, or within fifty feet of any street or any inhabited house.

SEC. 6. Hog yards and piggeries will not be permitted within 100 feet of any natural stream or water course, and the drainage of a piggery shall in no case be permitted to reach any natural stream until said drainage has been purified.

SEC. 7. The feeding of animals dead from natural causes, to pigs, will not be allowed. Offal shall not be fed

to pigs for at least a month before they are killed. The animals to be killed shall be removed from the pen where offal is fed and shall be fed on grain or other wholesome food. Offal from hogs shall not be fed to hogs. Offal from hogs shall be burned or buried.

SEC. 8. No hog ranch or piggery for garbage or offal feeding, where more than fifty head of swine are kept, shall be established or maintained without a permit from a health authority.

#### CONTAGIOUS DISEASES.

SEC. 9. The necessary rules and regulations concerning cholera, small-pox, yellow fever, diphtheria, scarlet fever, typhoid fever, whooping cough, measles, and other contagious and infectious diseases, shall be enforced by the local boards of health, under the supervision of the health officer; and all public officers of the town, city or county, in their proper capacities, are hereby commanded and enjoined to assist the said board of health in the enforcement of said rules and regulations.

SEC. 10. No person or thing liable to propagate any of the contagious diseases enumerated in the above section, shall be brought within the limits of the State without the special permit and direction of the State Board of Health, and whenever it shall come to the knowledge of any person that such person or thing has been brought within such limits, he shall immediately give notice thereof to a member of the said board, together with the location thereof. No person shall, within the limits of the State, without a permit from the local board of health, carry or remove from one building to another any person afflicted with such contagious disease. Nor shall any person afflicted with such contagious disease, or liable to communicate or spread the contagion thereof, be shipped or removed from one town or place to any other town or place, except under the charge and direction of the board of health, and with proper precautions against the spread of the contagion.



SEC. 11. Upon satisfactory information of the approach to, or transit through the State of Utah, of infected persons or goods, it shall be the duty of the secretary, as executive officer of the board, to cause the same to be stopped at the state line, or, if found within the limits of the State, to cause such persons or goods to be removed from cars, stages, or other conveyances, and securely isolated and disinfected. In cases coming under the jurisdiction of natural or municipal quarantine authorities, he shall cooperate with said authorities in all such action.

#### QUARANTINE RULES.

SEC. 12. It shall be the duty of every physician or other person caring for the sick in the State of Utah, to make a report to the local board of health, on forms furnished by the said board, immediately after such person becomes aware of the existence of any case of scarlet fever, diphtheria, whooping cough, smallpox or typhoid fever in his or her charge; should additional cases occur in the same family they shall be reported in the same manner as the first case, and, in case such person shall fail to so report in twenty-four hours, said person shall be deemed guilty of a misdemeanor.

SEC. 13. The place wherein any person or persons are located having any of the diseases mentioned in section 12 of this act, except typhoid fever, and whooping cough, shall have displayed thereon a yellow flag, upon which is printed in plain black letters, the name of the disease which therein exists.

SEC. 14. The quarantine flag shall be allowed to remain at least twenty-one (21) days after scarlet fever, and fourteen (14) days after diphtheria is first reported, and it shall be unlawful for any person or persons to remove or interfere in any way with said flag without permission from the board of health. In case of death the flag shall remain for a period of not less than seven (7) days, and longer unless the board of health is satisfied that all proper means

have been employed for preventing the spread of contagion. Any person having whooping cough shall be quarantined in every respect the same as in scarlet fever as described herein, except that there may be no flag displayed.

SEC. 15. No person who is, or who has been affected with any of the diseases named in section 12 of this act, except typhoid fever, shall be permitted to leave the house in which he or she resides, without a permit from the board of health, to be issued on receipt of a certificate from the attending physician that all danger of communicating the disease has passed; and no person residing or lodging in a house wherein such disease is present shall be permitted to leave the house without permission from the board of health. Twenty-one (21) days must have elapsed after the quarantine has been removed from the place wherein scarlet fever, and fourteen (14) days wherein diphtheria has existed, before a permit to attend school will be granted the person who was affected with the disease. Other persons residing in the house will be allowed to attend school upon the removal of the quarantine, provided they first obtain a permit from the board of health, which shall be presented at the school.

SEC. 16. Any person who gives, lends, sells, transmits, or exposes, without previous disinfection according to the rules of the board of health, any bedding, clothing, rags or other objects which have been exposed to infection from any of the above diseases, shall upon conviction, be deemed guilty of a misdemeanor.

SEC. 17. Any person who knowingly has conveyed a person affected with a contagious disease, shall be deemed guilty of a misdemeanor, unless he shall have immediately disinfected his conveyance in a thorough manner.

SEC. 18. The owner or agent of any house in which a person has been suffering from any contagious disease who shall knowingly let it or part of it for hire without having previously disinfected it, and all articles therein liable to

disinfection according to the rules of the board of health, shall be deemed guilty of a misdemeanor.

#### BURIAL PERMITS.

SEC. 19. No burial or interment shall be lawful in the State of Utah, nor shall any dead body be removed from said State until a permit for such burial, interment or removal shall have been first obtained from the board of health of the county, city or town in which it is situated.

SEC. 20. Such permit shall be issued by the board of health upon receipt of the usual certificate of death, signed by the attending physician in the case; or, if none, by two reputable citizens; or, if the death be the subject of an inquest, by the coroner or other officer holding such inquest. The said permit shall set forth, as nearly as possible, the name, age, color, sex, place of birth, occupation, date, locality, and the cause of death of the deceased. And no certificate shall be received upon which to grant such permit, unless signed by a physician, coroner, or two reputable citizens, registered as such under his or their proper signature at the office of such board of health, health officer or other authorized officer or person; *Provided*, that in cities of the first and second class it shall be the duty of the health officer to investigate all cases of death in which the death certificate is signed by any other person than a physician or coroner, with a view of determining the cause of same, and when he shall have so determined, he shall affix his signature to the certificate.

SEC. 21. Any undertaker or sexton and each and every other person engaged or concerned in a burial in violation of the provisions of this act, and the officers and employees of any transportation company, or any other person or persons engaged or concerned in the removal of a dead body from said State in violation of the provisions of this act, shall be deemed guilty of a misdemeanor.

SEC. 22. The board of health shall enter in a suitable book to be kept for that purpose, a record of all burial per-

n. its issued, specifying the date of issue and to whom issued, together with all the items of information contained in the certificates upon which the issue of such permits is based.

SEC. 23. The transportation or removal of bodies of persons who have died of smallpox, cholera, yellow fever, diphtheria, or other disease dangerous to the public health, is forbidden within the limits of the State except in conformity with the rules and regulations of the State board of health concerning the same. And no burial or exhumation of any body shall be permitted in the night time unless for good reasons, to be entered in full upon the record book above provided for.

#### SCHOOLS.

SEC. 24. The local boards of health shall have jurisdiction in all matters pertaining to the preservation of the health of those in attendance upon the public and private schools in the State, to which end it is hereby made the duty of each of the local boards of health,

(1.) To exclude from said schools any person, including teachers, suffering with a contagious or infectious disease, whether acute or chronic, or liable to convey such diseases to those in attendance.

(2.) To make regular inspections of all school buildings and premises, as to their hygienic condition, and to report on forms that shall be furnished by the State board of health, the result of such inspections to those having charge and control of such schools, with instructions as to the remedy of conditions (if any such be found) whereby the health of those in attendance may be impaired or life endangered. A copy of said report shall also at the same time be sent to the State board of health.

SEC. 25. In the event of failure or refusal of those having such charge and control to carry out the instructions so given, then the board of health shall cause such faulty conditions to be remedied at the proper cost and expense of those having charge and control of the school.

SEC. 26. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists any of the provisions of this chapter, or who refuses or neglects to obey any of the rules, orders, proclamations or sanitary regulations of the board of health, health officer, or mayor, or who omits, neglects or refuses to comply with, or who resists any officers or orders or special regulations of said board of health, health officer, or mayor, shall, upon conviction, be deemed guilty of a misdemeanor.

# AN ORDINANCE

REVISING AND ARRANGING THE

## Ordinances of Ephraim City.

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### CHAPTER I.

#### GENERAL PROVISIONS.

*Be it ordained by the City Council of Ephraim City as follows:*

**SECTION 1. Repealing existing ordinances.** The ordinances contained in this chapter and the chapters following shall be known as the "Revised Ordinances," and so far as their provisions are the same in effect as those of previously existing ordinances, they shall be construed as continuations thereof; but subject to the above limitation and the provisions of the next section. All ordinances of the city heretofore in force are hereby repealed.

Secs. 177-8, pp. 8, 9.

**SEC. 2. Accrued rights.** These revised ordinances shall not affect any act done, any right accrued, any penalty incurred, any suit, prosecution or proceeding pending, or the tenure of office of any person holding office, at the time when they take effect; nor shall the repeal of any ordinance thereby have the effect of reviving any ordinance theretofore repealed or superseded.

Secs. 177-8, pp. 8, 9.



**SEC. 3. Meaning of words.** Words used in these revised ordinances in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word person includes firm and corporation as well as a natural person.

**SEC 4. Penalty for violating ordinances.** Whoever violates any provision of any ordinance of the city, whether included in these revised ordinances or ordinances hereafter enacted, shall, unless other provision is made be liable to a penalty of not more than one hundred dollars for each offense, or to imprisonment for ninety-nine days, or both such fine and imprisonment.

§ 206, Sub. 88, p. 27.

**SEC. 5. Who liable to penalty.** When anything is prohibited in an ordinance, not only the persons actually doing the prohibited thing, but also the employers and all other persons concerned therein, shall be liable to the penalty prescribed.

**SEC. 6. Implied power to license.** When, in an ordinance, anything is prohibited from being done without the license of a certain officer or officers, such officer or officers shall have the power to license such thing to be done.

**SEC. 7. The word "street."** The words "street" and "streets," when used in an ordinance, shall be construed as including alleys, lanes, courts, public squares, public places and sidewalks, unless such construction would be inconsistent with the manifest intent of the ordinance.

**SEC. 8. When ordinance goes into effect.** An ordinance, unless otherwise expressly provided therein, shall not go into effect until twenty days after the date of its passage and publication.

Sec. 205, p. 13.

**SEC. 9. Constitutional and statutory provisions adopted.** The provisions of the constitution and statutes of the State of Utah relative to cities of the third class are

hereby declared to have the same force and effect as if the provisions thereof had been specially ordained.

Sec. 177, p. 8.

**SEC. 10. Accounting—monthly.** It shall be the duty of all officers and agents of the city to keep a true and correct account of all funds collected or received by them for the city and pay the same into the city treasury on or before the last day of each calendar month.

§ 2 Art, XXI, Con. p. 5. § 20, p. 28. Penalty, § 4, chap. I, R. O.

**SEC. 11. Annual reports.** All officers of the city shall, on or before the last day of June in each year, make an annual report in writing to the mayor, which reports shall show for each department: first, the moneys received and disbursed, if any, during the year last past; second, the business done or labor performed by said department during the preceding year and the general condition of such department at the close thereof; third, such recommendations or suggestions as may be deemed of service and benefit for the welfare of the city. Such reports shall comprise in a consolidated form, and for the whole year, the substance of the quarterly or other reports required by law or ordinance. The reports herein provided for, or portions thereof, as may be deemed necessary by the mayor, shall, with his own annual report, giving a general summary of the city's business and condition, and such recommendations as he may consider advisable, be submitted to the city council on or before the first Monday of July in each year.

**SEC. 12. The revised ordinances to be in force when.** The "Revised Ordinances" shall take effect and be in full force on and after the date of their passage and approval.

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## CHAPTER II.

### ELECTIONS AND OFFICERS.

**SEC. 13. Elective officers. Terms.** A municipal

election shall be held in this city on the Tuesday next after the first Monday in November, 1899, and biennially thereafter, for the election of the following officers of the city, viz: a mayor, five councilmen, a recorder, treasurer, marshal and a justice of the peace, who shall qualify and enter upon the duties of their respective offices on the first Monday in January next succeeding their election, and continue in office for two years, and until their successors are duly elected and qualified.

§ 213, p. 29, Who eligible to office, § 221, p. 30.

**SEC. 14. Elections, how held.** All general and special elections within this city shall be held and conducted, and returns made thereof as is now or may hereafter be provided by law.

Municipal elections §§ 837-891, pp. 62, 63. Registration, etc., §§ 316-321, pp. 60, 61.

**SEC. 15. Oath and bonds of officers.** Before entering upon the discharge of their duties, all elected and appointed officers of the city shall take and subscribe the oath or affirmation required by law, and give bond, with two or more good and sufficient sureties, payable to the city, conditioned for the faithful performance of their duties.

Oath, § 10, Art. IV, Con., p. 1. Id. Bond, § 216, p. 29, § 206, Sub. 88, p. 26.

**SEC. 16. Id. Approval.** The bond of the mayor shall be approved by the city council, and the bonds of all other officers by the mayor.

**SEC. 17. Amount of bond.** The amount for which the respective officers shall give bond as above stated, shall be as follows, to wit: mayor, recorder, justice of the peace, and marshal, \$1000 each. The treasurer not less than the amount of the whole revenues of the city for the current year. All other elective or appointive officers, \$500 each.

Treasurer's bond, etc., § 216, p. 29. Additional Id., § 218, p. 30.

**SEC. 18. Where filed.** All bonds given by the officers of the city shall be filed with the recorder, except the bond of the recorder, which shall be filed with the treasurer.

Sec. 218, p. 30.

## MAYOR.

**SEC. 19. Shall sign licenses, deeds, etc.** The mayor shall sign all licenses, except liquor licenses. In all cases where bonds for liquor licenses are not approved by the mayor, the same shall be referred to the council for their final action. The mayor is authorized and empowered to sign his name officially for and in behalf of the city, and to sign deeds, bonds, bills, notes, obligations and other agreements, documents and other papers to which the city is a party, when so directed by the city council.

Contracts must be countersigned by recorder. Sec. 229, p. 32.

**SEC. 20. May offer reward.** The mayor may, when necessary, offer a reward for the apprehension of offenders against the ordinances of the city, in any sum not exceeding one hundred dollars.

**SEC. 21. May remit fines and grant pardons.** The mayor is authorized and empowered to grant full pardons for violations of the ordinances of said city, or to remit so much of any fine or penalty as belongs to the city, together with costs of prosecution, when to him it shall seem just and reasonable.

Sec 189, p. 10.

**SEC. 22. Id. Report.** It shall be the duty of the mayor to report to the city council at its next session the number of fines remitted and pardons granted.

**SEC. 23. Appointments by the mayor.** The mayor, by and with the advice and consent of the council, may appoint at or before the first regular meeting of the council in February, 1900, and biennially thereafter, the following named officers, who shall hold their offices for the term of two years, unless sooner removed by the mayor with the concurrence of the majority of the members of the city council, or by the city council with the concurrence of the mayor, and until their successors are appointed and qualified: a supervisor of streets, a pound-keeper, a sexton, a watermaster, a surveyor, an attorney, an inspector of buildings, and inspector of provisions, a sealer of weights and measures, a superintendent of water works, three members of

the board of health, and such other officers as may be provided by law or ordinance; *provided*, that vacancies among the same may be filled at any time, in like manner, if not otherwise provided for by law or ordinance.

Sec. 214, p. 29. Terms. Oath, bond, etc., 215-227, pp. 29, 30.

**SEC. 24. Duties—general.** The mayor shall perform such other duties as are, or may be, prescribed by law or ordinance.

Secs. 135-196, pp. 10, 11. (Solemnize marriages, Sec. 1188 R. S.) Secs. 213-227, pp. 29, 30.

#### CITY COUNCIL.

**SEC. 25. Time of meeting. Holidays. Adjourned meetings.** The stated meetings of the city council shall be held on the first Monday of each month; *provided*, that when any general holiday occurs on said Monday, the meeting shall be held on the Tuesday next following. All meetings may be adjourned from time to time as business may require.

Sec. 20', p. 12. Councilmen, Sec. 197-205, pp. 11-13. Powers of city council, Sec. 206-7, pp. 13-27.

#### RECORDER.

**SEC. 26. May appoint deputy.** The recorder, by and with the consent of the city council, may appoint a deputy, who, under the direction of the recorder, or in his absence, may perform all the acts or duties pertaining to the office of recorder. The recorder shall be responsible for the acts of his deputy.

**SEC. 27. Shall administer oaths etc.** The recorder shall have power to administer oaths. He shall keep plats of all official surveys within the city, and shall deliver to his successor in office the corporate seal, together with all the records and proceedings of the city council, and all books or other property in his possession, belonging to said city.

**SEC. 28. Report monthly.** The recorder shall make a report to the city council at each regular meeting thereof, showing:



First—all funds then in the city treasury, together with amounts then due and payable to the city.

Secondly—all claims against the city then due or to fall due before the next regular meeting of the council.

**SEC. 29. Duties General.** The recorder shall perform such other duties as are or may be prescribed by law or ordinance.

Sec. 228-231, pp. 32-34.

#### TREASURER.

**SEC. 30. Keep account of city funds.** The treasurer shall keep in suitable books, a full account of all receipts and disbursements, with the names of persons paying or receiving such funds, and the objects thereof, and shall, semi-annually, on or before the first Monday of January and July, in each year, present to the city council a full report of his receipts and disbursements, with vouchers for all sums disbursed.

**SEC. 31. Treasurer's deputy.** The city treasurer may, by and with the advice and consent of the city council, appoint a deputy, for whose official acts he shall be responsible.

**SEC. 32. Duties, general.** The treasurer shall perform such other duties as are or may be prescribed by law or ordinance.

Secs. 232-238, pp. 34, 35.

#### CITY JUSTICE OF THE PEACE.

**SEC. 33. Report monthly.** It shall be the duty of the city justice of the peace to make a report to the city council at each regular meeting, showing the number of cases brought before him on behalf of the city during the previous month, together with the amount of all fines imposed, and those collected by him.

**SEC. 34. Duties, general.** The justice of the peace shall perform such duties, be governed by such procedure, and collect such fees as are or may be prescribed by law or ordinance.

Secs. 239-244, pp. 35-37. Secs. 5124-5173, pp. 73-82.

## MARSHAL AND POLICE.

**SEC. 35. Powers and duties defined.** The marshal shall, by himself or a policeman, attend all regular and special meetings of the city council; shall have charge of the city hall, and see that the same is lighted and warmed when necessary; act as doorkeeper or sergeant-at-arms; execute all orders of the mayor or council; preserve the peace and good order of the city; quell all riots, arrest and bring all disorderly persons before the city justice for trial, and shall take from the person arrested all offensive weapons which he may have about his person, and must deliver them to the city justice. They shall take such measures as shall secure the peace and good order of all public meetings.

**SEC. 36. Id. Keep register.** The marshal shall provide and cause to be kept a register of arrests. Upon such register there shall be entered a statement showing the date of such arrests, the name of the person arrested, the name of the officer making the arrest, the offense charged, and a description of any property found upon the person arrested.

**SEC. 37. Property taken from person arrested. Duplicate receipt.** When money or other property is taken from a defendant, arrested upon a charge of a public offense, the officer taking it must at the time give duplicate receipts therefor, specifying particularly the amount of money or the kind of property taken; one of which receipts he must deliver to the defendant, and the other, with the property, except weapons, at once to the marshal.

**SEC. 38. Register of property to be kept.** The marshal must enter in a suitable book a description of every article of property alleged to be stolen or embezzled, and brought into the office or taken from the person of a prisoner, and must attach a number to each article, and make a corresponding entry thereof.

**SEC. 39. Duties as jailor.** It shall be the duty of the marshal to take charge of the city prison, to cause the same to be warmed and lighted when it shall be necessary, and kept clean and in proper order. He shall have the custody of the inmates thereof, and shall see to feeding and otherwise caring for the same. He shall furthermore see that all rules for the government of the prison are carried

into effect. He shall keep a book in which shall be entered the day and hour of receiving a prisoner and the day and hour of his release.

**SEC. 40. Regulations for police department and prison.** The mayor and marshal are authorized and required to make all needful rules and regulations, not inconsistent with the ordinances of the city, for the government and control of the police department and prison.

**SEC. 41. Oath and duties of policemen.** Every policeman appointed shall take an oath for the faithful performance of his duties as policeman, and shall see that the ordinances of the city are complied with. The police shall be under the control, and subject to the orders, of the marshal.

**SEC. 42. Duties, general.** The marshal and police shall perform such other duties as are or may be prescribed by law or ordinance.

Secs. 244-248, pp. 37, 38.

## CHAPTER III.

### STREETS AND SUPERVISOR OF STREETS.

**SEC. 43. Streets.** The streets of the city shall be and the same are hereby named and designated as follows, to wit: The street running north and south on the county road, running to Manti on the south, and to Spring City on the north, is named Main Street; the street immediately west of and parallel to said Main Street, is named A West Street; the second street west of and parallel to said Main Street, is named B West Street. The streets running north and south, east of and parallel to said Main Street are named and designated as follows, to wit, respectively: The first is named A East Street; the second is named B East Street, the third is named C East Street, the fourth is named D East Street. The street running east and west, immediately north of the city hall, is named and designated Center Street, and the streets south of and parallel to said Center Street, running east and west, are named and designated as follows, to wit: The first shall be named First South Street, the second is named Second South Street, the third is named Third South Street, the fourth is named Fourth South Street. The streets running east and west north of

and parallel to said Center Street are designated and named as follows, to wit: The first is named First North Street, the second is named second north street; the third is named Third North Street.

SEC. 44. Main Street shall be six rods wide; A West Street shall be six rods wide; B west street shall be four rods wide; A East Street shall be six rods wide; B East Street shall be six rods wide; C East Street shall be six rods wide; D East street shall be four rods wide; Center Street shall be six rods wide; First South Street shall be four rods wide; Second South Street shall be five rods wide; Third South Street shall be five rods wide; Fourth South Street shall be six rods wide; First North Street shall be six rods wide; Second North Street shall be six rods wide; Third North Street shall be five and a half rods wide.

SEC 45. **Sidewalks.** The sidewalks on all of said streets shall be ten feet wide, and the water-sect shall be on the outside edge of the sidewalk, and all shade trees set thereon shall be nine feet from the line of the lots on said streets.

SEC. 46. **Failure to keep sidewalk free from obstructions. Penalty.** Whoever fails or neglects to keep the sidewalk in front of his lot or place of business free from obstructions, shall be liable to a fine not exceeding one hundred dollars.

SEC. 47. **Encroachments.** If any street is encroached upon by a fence or building or otherwise, the supervisor of streets may, orally or in writing, require the encroachment to be removed.

Sec. 7 p. 84.

SEC. 48. **Id. Notice to remove.** Notice must be given to the occupant or owner of the land, or person causing or owning the encroachment, or left at his place of residence, if he be known and reside in the city, if not, it must be posted on the encroachment, specifying the breadth of the street, the place and extent of the encroachment, and requiring him to remove the same within ten days thereafter.

Sec. 7. p. 84.

**SEC. 49. Id. Refusal. Penalty.** If the encroachment is not removed or commenced to be removed, and the removal not diligently prosecuted, prior to the expiration of the ten days from the service or posting the notice, the one who caused, owns or controls the encroachment forfeits ten dollars for each day the same continues unremoved. If the encroachment is such as to effectually obstruct and prevent the use of the highway for vehicles, the supervisor must forthwith remove the same.

**SEC. 50. Id. Action.** If the encroachment is denied, and the owner, occupant, or person controlling the matter or thing charged with being an encroachment, refuses either to remove or permit the removal thereof, the city council must direct the city attorney to commence in the proper court an action to abate the same as a nuisance; if judgment be recovered for the plaintiff, in addition to having the same abated, there shall also be recovered ten dollars for every day such nuisance remained after notice given for its removal, and also the costs of the action.

**SEC. 51. Removal without action.** The city council may at any time order the supervisor to forthwith remove any such encroachment without commencing action.

**SEC. 52. Id. Penalty.** If the encroachment is not denied, but is not removed for five days after the notice is complete, the supervisor may remove the same at the expense of the owner, occupant or person controlling the same, and recover his costs and expenses, and also for each day the same remained after the notice was complete, the sum of ten dollars, in an action for that purpose.

**SEC. 53. Excavations and obstructions in streets.** No person shall make, or cause to be made, an excavation in a street for any purpose whatever without a permit from the city council, or from some person authorized by the council, and subject to such regulations as the council may prescribe. Every application for such permission shall be made in writing and signed by the applicant and shall set forth the dimensions of the proposed excavation and the purpose for which it is to be used; and every such permit shall provide that the excavation permitted shall not be used for any purpose other than that stated in the application, and may at any time be revoked by the said council.



**SEC. 54. Liability in occupying street.** Whoever is duly permitted to occupy a part of the street, while making an excavation, or for any other purpose, shall provide a safe and convenient passage for public travel around or over the obstruction so caused, and shall be responsible to the city for all injuries sustained in consequence of his neglect so to do.

**SEC. 55. Penalties.** Whoever violates any of the provisions of the two preceding sections of this chapter shall be liable to a penalty of not less than five nor more than fifty dollars for each offense, and to a like penalty for every day's continuance of such offense.

**SEC. 56. Id. Obstructions. Removals.** No person shall put, place, or cause to be put or placed, anywhere upon a public street or sidewalk, and no person owning, occupying or having control of any premises, shall, after reasonable notice by the city marshal or any police officer, suffer to be or remain in front thereof, upon the sidewalk or the half of the street next to such premises:

First.—Any broken ware, glass, filth, rubbish, refuse matter, garbage, ashes, tin cans, or other like substances;

Second.—Any wagons, lumber, wood, boxes, fencing, building material, merchandise or other thing, which shall obstruct such public street or sidewalk, or any part thereof, or the free use and enjoyment thereof, or the free passage over and upon the same, or any part thereof, without the permission of the city council;

Third.—Any goods, wares, or merchandise, for sale or show or otherwise, beyond two feet of the front line of the lot where such goods, wares or merchandsse may be exposed.

**SEC. 57. Penalty for driving, etc., animals on sidewalk.** Any person driving a team, or leading, riding, or driving any animal upon any sidewalk in this city, shall be liable for all damages accruing thereby, and to a fine of not less than one nor more than fifty dollars for every such offense; *provided*, that nothing in this section shall be so construed as to prohibit persons from crossing the sidewalk to or from the adjoining premises with teams or animals

**SEC. 58. Obstructing streets by games forbidden.** All persons are hereby forbidden to obstruct the sidewalks or streets by games of any kind, playing of ball, quoits, marbles, jumping, rolling of hoops, flying of kites, to annoy or obstruct the free travel of any foot passenger or team, under a penalty of not less than one, nor more than fifty dollars, or imprisonment not to exceed twenty days, or both, for each offense; and to pay all damages.

**SEC. 59. Hitching posts defined.** Every person owning a hotel, store, shop, or other place of business, or place of public resort fronting on any street of this city is hereby required to set and retain a hitching post, in the street in front of his premises, not more than three feet from the outer edge of the sidewalk or water sect thereon; said post shall not be less than five inches in diameter, and four feet high when set, and placed firmly in the ground not less than twenty feet from any street crossing.

**SEC. 60. Gates to swing inward.** All gates, except such as swing upon self-closing hinges, adjacent to sidewalks, shall be so constructed as to prevent them from opening outwardly upon said sidewalks.

**SEC. 61. Barb wire fences forbidden.** It shall be unlawful for any person to maintain a barb wire fence

adjacent or contiguous to any sidewalk of the city without permission of the city council.

**SEC. 62. Securing teams, etc.** Any person having charge of, or being the driver of a team, shall, while such team is standing in the streets or any public place of said city, stand near the head of the same, or have hold of the lines attached to them, or otherwise secure them to some post or other substantial place of fastening. Any person violating any of the provisions of the four preceding sections of this chapter shall be liable to a fine in any sum not less than two nor more than fifty dollars for each offense.

**SEC. 63. Carriage steps.** Any person may erect carriage steps or platforms across the water ditch in front of his place of business or residence, not to exceed four feet long, three feet wide and two feet high, the work to be done to the acceptance of the supervisor of streets.

**SEC. 64. To take charge of streets, etc. Make reports.** It shall be the duty of the supervisor of streets to take charge of all the streets and sidewalks, bridges and culverts in the city, and superintend all work done thereon, both public and private, whether under contract or otherwise; *provided*, that he shall at all times be subject to and act under the direction of the city council. During the progress of any improvement he shall, at least once a month, report the progress and condition of such improvement, and he shall faithfully observe and report whether any breach is made in the terms of any contract in pursuance of which any such work or improvement is in progress; and no work done upon the streets under any contract shall be paid for in full until the supervisor of streets shall report the same to be complete, nor until such report shall be endorsed by the committee on streets and accepted by the city council.

Sec. 7, p. 84.

**SEC. 65. Enforce ordinances and orders of city council.** The supervisor of streets shall see that all ordinances, resolutions or orders of the city council, relating

to streets are properly enforced and obeyed; and he is authorized and required to take such measures as may be necessary to keep the streets free from filth and nuisances.

Sec. 7, p. 84.

**SEC. 66. Work prisoners.** It shall be the duty of the street supervisor, by himself or deputy, when requested by the marshal, to take charge of and work on the streets of the city, or elsewhere within the city, all prisoners sentenced to perform labor.

**SEC. 67. Appoint assistant supervisors.** The supervisor may appoint, by and with the advice and consent of the city council, assistant supervisors, as he may deem necessary, who shall be under his direction, and for whose official acts he shall be responsible.

**SEC. 68. Report quarterly.** The supervisor shall make a full report quarterly, in writing, to the city council, of all things done, and of all moneys expended in his department, and for what purpose expended.

**SEC. 69. Take charge of and deliver tools, etc.** It shall be the duty of the supervisor to take charge of all tools or other material or property belonging to the city and employed in working the streets. He shall deliver up to his successor in office, or to whomsoever the city council may authorize to receive the same, all books, papers, vouchers, and all tools and property of every kind and description under his control and belonging to the city, and shall furnish a list of the same to the city recorder. He shall perform such other duties as are or may be prescribed by law or ordinance.



## CHAPTER IV.

### POUND AND POUNDKEEPER.

**SEC. 70. Pound established.** A city pound is hereby established, and it shall be the duty of the city council to designate by resolution a safe and secure place for such pound where all animals seized or taken up in pursuance of

this chapter may be impounded. Said pound shall be under the control of the poundkeeper.

#### POUNDKEEPER.

**SEC. 71. Duties of poundkeeper.** It shall be the duty of the poundkeeper to receive and take care of all animals committed to his charge and provide all necessary forage therefor, and use due diligence to find the owners of said animals, by examining the record of marks and brands and otherwise, and notify the owner if found. He shall not deliver any animal to the owner until all costs are paid.

**SEC. 72. Notice of sale of animals.** If within thirty-six hours after any animals come into the possession of the poundkeeper, the owners be not found he shall immediately advertise the same by posting notices for a period of ten days in three of the most public places in the city, one of which places shall be at or near the post office. He shall also immediately deliver a copy of such notice to the recorder. The recorder shall upon receipt of said notice file and preserve the same in his office for a period of six months thereafter, and shall immediately post a copy thereof at the front door of his office. The notice so filed with the recorder shall be open during reasonable hours for inspection by the public, free of charge. The notice herein provided for shall contain a description of the animals including all marks and brands, when taken, and the day, hour, and place of sale, and may be substantially in the following form:

#### NOTICE OF SALE.

STATE OF UTAH,                    ( )  
CITY OF EPHRAIM.                ( )

I have in my possession the following described animals lawfully impounded which, if not claimed and taken away, will be sold at public auction to the highest cash bidder at———, in this city, on———, the———day of——— 1——, at the hour of———:



## (Description of Animals.)

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Said animals were impounded in said city on the—— day of——, 1——.

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City Poundkeeper.

**SEC. 73. Claimants. Sale. Bill of Sale.** If at any time before the sale of any animals they shall be claimed and proved to be the property of any person, the poundkeeper shall deliver them to the owner upon receiving from him the cost of impounding, keeping, and advertising the same. If the animals are not so claimed and taken away, he shall, at the time and place mentioned in the notice, proceed to sell the same, one at a time, to the highest cash bidder, and shall execute and deliver a bill of sale transferring said animals to the purchaser or purchasers thereof, which bill of sale shall be substantially in the following form:

I hereby certify that in pursuance of the law regulating the disposal of impounded animals, I have this day sold to——, for the sum of \$——, he being the highest bidder, ——head of——, described as follows, to wit:

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Witness my hand this ——day of——, 1——.

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Poundkeeper of——city,——county, State of Utah.

The poundkeeper shall immediately file a copy of such bill of sale with the recorder. The copy so filed with the recorder shall be preserved for a period of two years and shall be open to inspection during all reasonable hours free of charge. Such bill of sale shall transfer and vest in such purchaser the full title to the animals thus transferred.

**SEC. 74. Record of impounded animals.** The poundkeeper shall keep an accurate record of all impounded animals received by him, their age, color, sex, marks, and brands, the time and place of taking and the expense of keeping and selling the same, all animals claimed and

taken away, all animals sold and to whom so sold and the amount paid, all moneys paid to owners after sale, all moneys paid into the city treasury, and all other matters necessary to a compliance with the provisions of this chapter. The city council shall provide the poundkeeper with a suitable book, in which shall be entered the records required by law to be kept by the poundkeeper. Such records shall be open to the inspection of the public at all reasonable hours, and shall be deposited by the poundkeeper with his successor in office.

§ 206 Sub. Div. 68 p, 24. Title 2, Animals, R. S, p. 94-9.

**SEC. 75. Disposition of proceeds of sale.** The net proceeds of the sale of all animals made in pursuance of this chapter shall be paid into the city treasury, subject to the order of the owners of said animals, if applied for within six months from the date of sale; if not applied for by the owners within that time, the city treasurer shall place the amount to the credit of the city revenue.

**SEC. 76. Cattle running at large, etc.** It shall be the duty of the marshal and police to impound all cattle, horses, mules, sheep, goats or swine running at large, or herded, picketed or staked out upon any street, sidewalk or any other public place within the limits of the city; *provided*, that nothing herein contained shall be so construed as to prevent any person from driving milch cows, work cattle, horses, mules or other animals from outside the city to any enclosure within the city limits, or from any enclosure in the city to a place outside of the city; *provided*, further, that any person who wilfully permits any animal mentioned in this section to violate the provisions thereof shall also be deemed guilty of an offense and upon conviction may be punished by a fine not exceeding \$25.00 and cost for each offense.

**SEC. 77. Penalty for taking out of proper custody.** Any person taking his own animal or that of any other person out of the city pound, by stealth, or by force, or who shall interrupt or hinder any one while in the dis-

charge of his duty, under the provisions of this chapter, shall be liable to a fine in any sum not exceeding one hundred dollars, or imprisonment not to exceed one hundred days, or both fine and imprisonment.

**SEC. 78. Records. Monthly report. Settlement with city.** It shall be the duty of the poundkeeper to keep books, in which he shall keep an accurate account of all receipts and disbursements, and shall make a full and detailed report of his proceedings to the city council quarterly, stating therein the number of animals impounded, the number of animals sold, to whom sold, and the amounts received therefor, the amounts received and paid for forage, advertising and sale.

§206 Sub. Div. 68 p. 24. Fees, R. O.—Pay over fund collected \$10 p. 86.

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## CHAPTER V.

### SEXTON AND CEMETERIES.

**SEC. 79. Sexton registrar of deaths. Statement.** The city sexton shall be registrar of deaths for the city, and before burying any dead body in the cemetery, or before transporting beyond the corporate limits the body of any person that has died therein, the relatives, or other persons having charge of said body, shall be required to furnish in writing to said sexton, a statement of said death, which shall be recorded by him. Said statement, as well as the record, shall include the name of the person deceased, with the names of his or her parents or other relatives, age, when and where born, term of residence in the city, occupation, condition, whether single or married, widow or widower, sex, race, color, last place of residence, the date of death, and the cause thereof, together with the name of the attending physician, if any, coroner or midwife; also the date of burial, as well as the name of the cemetery, with the initial letter of the plat, as well as the number of

block and lot where said person is buried, or if transported beyond the corporate limits to a distance, the place of destination.

**SEC. 80. Report.** The sexton shall, on or before the last day of each calendar month, deliver to the city board of health a copy of the entries in his register for said month.

**SEC. 81. Duties of sexton. Deputy.** It shall be the duty of the sexton to take charge of the city cemetery, and improve the grounds thereof, subject to the direction of the city council; to dig or cause to be dug, all graves required for the burial of the dead therein, and keep a record of the same, as provided for in section one of this chapter. He may, by and with the advice and consent of the city council, appoint a deputy, for whose official acts he shall be responsible.

**SEC. 82. Sale of lots. Certificate price.** The size of the lots is 33 by 11 feet, and the price shall be \$5.00 each. The sexton is hereby empowered to sell lots in said cemetery and collect before occupancy all dues arising from such sales. He shall give to each purchaser a certificate of purchase for each lot, or part of lot bought, with the price thereof as fixed by the city council, which shall describe the lot so bought, and he shall keep a duplicate of said certificate, record the same, and forthwith forward the original to the mayor, who shall, upon request, issue a deed to the purchaser.

**SEC. 83. Headboards and tombstones. Fences and grades.** The owners of lots, or relatives of deceased persons buried in said grounds, are hereby required to erect headboards, tombstones or other suitable monuments at the heads of graves, with the names of the deceased plainly inscribed thereon; and if any person neglects or fails to erect such headboards, tombstones, or other suitable monument for a period of three months from the date of burial, the sexton shall place suitable headboards in their proper position at the expense of the person owning or burying in the

said lot. No person shall erect a fence, corner posts or other boundary mark upon any lot or lots in said cemetery, nor grade the ground or land thereof, except under the direction of the sexton, who shall furnish the true lines of lots according to official survey, and shall prevent and prohibit any grading that would destroy the symmetry of the land.

**SEC. 84. Title. Permit. Disinterment. Contagious disease.** No person, or persons, shall be allowed to inter their dead in said cemetery without first obtaining a certificate of purchase from the sexton to the lot in which they bury, or if they do not own the lot they shall then be required to furnish a written permit from the owner thereof, which permit shall be filed with the sexton; and no person shall disinter any body buried in said cemetery except under the direction of the sexton.

**SEC. 85. Penalty for injuring cemetery property.** Any person who shall injure or deface any headboard, tombstone, monument, tree, shrub, or any other property in said cemetery, shall, upon conviction, be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment not to exceed thirty days, or to both such fine and imprisonment.

**SEC. 86. Burials must be in cemetery. Murderer.** No person shall be allowed to bury his dead within the limits of the city, unless by permission of the city council, and there shall not be interred in the cemetery the body of any person known to the law as a murderer.

**SEC. 87. Plat of cemetery.** An accurate plat or map of the city cemetery, approved by the city council, shall be filed with the recorder and a copy thereof with the sexton. Said plat, or a register accompanying the same, shall designate the ownership of all lots therein, and the price of unsold lots as fixed by the city council, together with such other information as may be deemed expedient.



## CHAPTER VI,

## IRRIGATION AND WATERMASTER.

SEC. 88. **Water record.** The city recorder shall keep in his office a record of all acknowledged water rights and of all transfers of water rights within the city, in suitable books prepared for that purpose, in which he shall enter the extent and kind of rights, where used, from where and to where transferred, and annually on the Saturday after the first Friday in March, revise and correct his said record and deliver a certified copy thereof with list specifying the number of acres of water right to be used in each of the several ditches, and the names of the persons entitled thereto during the ensuing year, to the watermaster on or before the 29th day of March.

SEC. 89. **Public water ditches defined.** Public water ditches are hereby defined to be, first—the natural and artificial channels through which water flows into the city; second—head and waste ditches constructed along the streets, and third—those through lots and blocks in which two or more families are directly interested.

SEC. 90. **Duties of watermaster.** The watermaster shall, under the direction of the city council, have control of all the water flowing into, in or through the city in public ditches, and shall direct and superintend the erection and repair of all dams, gates, locks, sluices, ditches, and waste weirs used in controlling said water. He shall in person or by deputy distribute the water to the proper ditches entitled thereto, in the city. He shall cause all public water ditches to be cleaned, and those used for culinary purposes washed out or flooded twice every year in the following manner: first time for irrigation shall be done on or before the fifth day of April, and it shall be his duty to superintend said cleaning, and to cause all public and private gates, dams, along public ditches on the streets and running across lots and blocks to be properly located, constructed and kept in repair, all the public ditches to be in good order and of suffi-

cient capacity to carry their portion of the water, and that the gates used in the public ditches for irrigation purposes be so constructed that the proper portion of water for culinary purposes can pass through; and the second cleaning for domestic, culinary, and machine use shall be done on or before the first day of November, and while superintending such cleaning, the watermaster shall cause all obstructions of whatsoever name or nature to be removed so the water can have a free and unhindered flow during the winter months.

**SEC. 91. Duties of water master continued.** To make, clean and repair the ditches as provided in the preceding section, it shall be the duty of the water master to notify each owner or occupant of lots or part of lots fronting on any of the streets in this city to appear to work at such time as he may designate; said notice, written or verbal, shall be given at least three days before such work is to be performed, and all such owners or occupants who respond to make or clean up the ditches in front of their premises to the satisfaction of the water master, shall be entitled to the water master's receipt therefor to the extent of 25c per city lot, for each cleaning; *provided*, that ditches across lots and blocks shall be cleaned by the persons interested therein, each performing labor according to his interest in such ditch; to the place the water is diverted for his exclusive use, and those failing to comply with the water master's request shall not be entitled to this receipt; and it is *further provided*, that if all of such owners or occupants on any ditch do not appear at such ditch cleaning, the watermaster is authorized to hire men to do the remainder of the work, at the expense of the city at a cost not to exceed the price herein stipulated. The water master shall give a receipt for all water taxes paid in work to the person paying the same and preserve a copy thereof upon a stub, which stub he shall return to the auditor with his accounts.

**SEC. 92. Period of artificial irrigation.** It shall be from the 5th day of April to the 25th day of October annually, unless otherwise ordered by the city council.

**SEC. 93. Right of way along ditches.** Where public water ditches pass through private grounds the right of way for which has been acquired, the city watermaster, his assistant, and parties directly interested are authorized to pass along said ditches, as occasion may require during the continuance of such right, and it shall be unlawful for any person to obstruct any such ditch during any such time by straw, manure, etc., or by putting in or maintaining in place any fence along or across any such ditch, without providing gates, or other passage ways sufficiently large for persons interested to pass through.

**SEC. 94. Transferring water.** Any person desiring to transfer water from one person to another person, or from one ditch to another ditch, may do so by producing satisfactory proof to the city recorder, first—that the applicant has a right to the use of the water desired to be transferred, second—that he has a right to have the water run in the ditch to which such transfer is desired, and third—that the ditch to which such transfer is desired, is sufficient in size to carry the water desired to be transferred thereto, in addition to the water previously running or belonging therein. Such application signed by the applicant, shall state the person and place, from and to whom and where such transfer is desired, it shall be presented to the recorder at his office during the week after the first Friday in March and there be recorded at the expense of the applicant, said expense not to exceed twenty-five cents, and the original of said application shall be filed in said office.

**SEC. 95. Gates.** No water shall be conveyed from a public ditch on any street across any sidewalk to any lot or block without there first having been constructed, under the direction of the watermaster, substantial gates both on the public ditch and in the ditch used for the conveyance of such water, which latter shall be kept closed and water-tight except during the period when water shall pass in such ditch. Said ditch shall be made of lumber or other substantial ma-

terial, and the covering of the same shall be on a level with such sidewalk.

**SEC. 96. To guard against damages.** Where persons are obliged to convey water across land lying between their premises and the public water ditches the same shall be done with the least possible injury to property, both in constructing the necessary ditches, and in managing the water flowing therein, *provided*, that they shall have the right when cleaning such ditches to construct and keep in repair the banks to a sufficient height and width, to safely conduct the water through the ditch without overflowing the banks, and such persons shall be liable for all damages caused by negligence in the construction of such ditches or in the management of the water flowing therein.

**SEC. 97. Ditches for mill purposes, etc.** Ditches along any street in the city used wholly or in part to convey water for mill and machine purposes or for irrigation on other land than city lots are hereby required to be maintained in good order and to the satisfaction of the watermaster by the parties interested, and all persons using water for any lawful purpose shall control the water distributed to them, and conduct the surplus or waste water into a public ditch, and shall not allow such water to flood the streets, sidewalks or private property to the damage thereof, or to run to unnecessary waste, and the watermaster is hereby authorized and directed to turn the water from all such persons who shall neglect, or fail to comply with these provisions, and when any person or company desires a race, levee, or embankment in any street of this city, in order to convey water to any piece of land, or for machinery, or to make a water ditch across any street, road or sidewalk, they shall before doing so, first obtain permission by grant from the city council, and that obtained, shall make and keep in constant repair all necessary bridges, culverts, or fords, where said ditch may cross any street, road or sidewalk.

**SEC. 98. Care-taking and unlawful meddling with water.** It shall not be lawful for any person to take any of the water of this city except when it has been duly allotted to him, or in any manner change the current or flow of water used for any lawful purpose, or to destroy, or break any dam, gate, sluice or ditch used in diverting and controlling such water, or to injure or destroy any bridge, or in any way or manner obstruct or hinder the distribution of the water within this city, and excepting the general semi-annual cleaning of the public water ditches, as provided in section ninety of this ordinance, all owners of lots, or parts of lots, are hereby required to keep in constant repair and free from obstructions, the ditches in front of such lots or parts of lots, and in all cases to prevent the water from flooding the streets, roads and sidewalks; *Provided*, that this section shall not be construed to apply to any obstructions caused by freezing.

**SEC. 99. Appeal from apportionment, and water masters' books and receipts.** (a) Any person aggrieved at the proportion of water allotted to him by the city watermaster or any other act claimed to have been done under the provisions of this ordinance may, upon written complaint, be heard by the city council, who shall determine the same and grant such relief as may be proper, but all such complaints must be presented to the council within twenty days from the origin of the act complained of.

(b). The city council shall cause to be furnished to the watermaster all necessary notices, books, receipts, and shall determine the compensation of the watermaster.

**SEC. 100. Penalty.** Any person who violates, or neglects, or fails to comply with any of the provisions of this ordinance, shall be deemed guilty of an offense, and upon conviction shall be fined in any sum not exceeding one hundred dollars, or imprisonment in the city jail not exceeding ninety-nine days, or by both such fine and imprisonment.



## CHAPTER VII.

## SURVEYOR.

SEC. 101. **Duties.** The surveyor shall, under the direction of the city council, determine the lines and grades of all streets, alleys and sidewalks within the limits of the city, and file in the recorder's office a profile of all grades so determined and established; he shall make duplicate plats of all lands surveyed and subdivided by him, within the city, noting all errors and discrepancies in original surveys or re-surveys, and file said duplicate in the recorder's office.

SEC. 102. **Determine Corners and Boundaries** The surveyor shall, upon tender of his legal fees, determine the corner and boundary lines of any block, lot or part thereof, within the city, when so required by any person.

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## CHAPTER VIII.

## ATTORNEY.

SEC. 103. **Duties.** The attorney shall act as the legal<sup>1</sup> advisor of the city or any officer thereof, in all matters pertaining to contracts with, or by the city, or any question of legality arising out of any law, ordinance or otherwise. He shall prosecute or defend all actions in behalf of the city, or any officers thereof, wherein any of the estate, right, privileges, ordinances, acts or orders of the city council may be brought in question, before any court. He may take appeals, sue out writs of error, or certiorari by and with the approval of the mayor, when the interest of the city requires it, and prosecute or defend the same in the appellate court, and shall do and perform all other duties incident to his office, that may be necessary for the interest of the city, or that may be required of him by ordinance or resolution of the city council.

**SEC. 104. Shall keep docket.** The attorney shall keep a docket and enter therein an abstract account of all suits pending in any court and judgments rendered, pertaining to the city, and shall keep a record of all claims placed in his hands for collection, and all moneys received by him on account of the city, and payments by him made to the city treasurer. He shall report to the city council quarterly, the condition of the business under his control.

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## CHAPTER IX.

### BUILDINGS AND INSPECTOR.

**SEC. 105. Duty of inspector of buildings.** It shall be the duty of the inspector of buildings, when called upon, to examine all public or private buildings, bridges, dams, locks, gates, reservoirs, aqueducts or other public works, and certify to the strength, safety, workmanship, and general condition of the same.

**SEC. 106. Chimneys. Public buildings.** Said inspector shall require the removal or prevent the construction of any fire-place, chimney, hearth, stove or pipe in any building which may seem to endanger life or property, and shall see that all ordinances in relation to the strength and safety of public buildings are carried into effect.

**SEC. 107. To abate dangers from fire.** It shall be the duty of the inspector of buildings to examine carefully, under the direction of the city council, any cause from which immediate danger of fire may be apprehended, and remove or abate, with the consent of the mayor (in case of neglect or refusal of the owner or occupant), any cause from which danger may be apprehended, and to cause all buildings, chimneys, stoves, pipes, hearths, ovens, boilers, ash houses, and other apparatus used in any building, which shall be found in such condition as to be considered unsafe, to be, without delay, at the expense of the owner or

the occupant thereof, put in such condition as not to be dangerous in causing or promoting fires.

**SEC. 108. Penalty for obstruction.** If any person shall obstruct or hinder the inspector or any person under the direction of the inspector in the performance of his duty under the preceding section, such person, for every such offense, shall, upon conviction, be liable to a fine of not to exceed twenty-five dollars.

**SEC. 109. Dangerous buildings.** When any building or part thereof in the city shall become dangerous to life or limb of persons residing therein, or in adjacent buildings, or passing in the vicinity, or if from cause apparent it will so become dangerous, the inspector of buildings shall proceed to make an examination of said building; and if he shall find the buildings to be dangerous, as aforesaid, the inspector shall immediately notify the owner or agent of such building or structure to have the same removed, repaired or secured within twenty-four hours thereafter; and if the owner or agent fails to do so, it shall be the duty of said inspector to demolish or secure the same so as to insure safety, and he may call upon the police for assistance, or may employ labor or purchase material needed, and the expense thereof shall be collected from such owner; and any owner or agent who shall fail to comply with the requirements of such notice shall, upon conviction thereof, be fined not more than one hundred dollars.

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## CHAPTER X.

### SEALER OF WEIGHTS AND MEASURES.

**SEC. 110. Duty of the sealer.** The sealer of weights and measures shall, twice every year, or oftener if required, examine and test the accuracy of all weights, measures, scales, or other things used by merchants and others for weighing and measuring anything bought or sold by them; he shall stamp with a suitable seal to be prescribed by the

mayor, all weights, measures, and scales so used, which he may find conformed to, or which he may cause to conform to, the standard prescribed by the laws of the State, and shall deliver to the owner thereof a certificate of the accuracy of such weights and measures as shall be found to be or shall be rendered correct.

**SEC. 111. Record. False weights. Report to recorder.** It shall further be his duty to register the names of all persons whose weights, measures or scales he may find to be accurate or may cause to be rendered accurate, and of all persons who fail to have the same corrected when found to be incorrect.

**SEC. 112. Weights to be tested. False weights.** All persons using weights, measures, scales, or other things for weighing or measuring any article bought or sold in this city, shall cause the same to be examined, tested and sealed as hereinbefore provided, and any person failing so to do shall be liable to pay a fine of not less than one nor more than fifty dollars for each offense. Any person using any false weights, measures, scales, or other things for weighing or measuring any article bought or sold in this city, shall be liable to a fine of not to exceed one hundred dollars.

**SEC. 113. Test when required.** The sealer of weights and measures shall examine and test any of the before mentioned instruments for weighing or measuring, on application by any person who shall tender to him the fee provided by ordinance.

## CHAPTER XI.

### BOARD OF HEALTH.

**SEC. 114. Establishment.** A board of health is hereby established to consist of four persons, one of whom shall be when practicable, a physician, a graduate

of a regularly chartered medical college, who shall be the executive officer of the board and be known as the health officer. The mayor shall be ex-officio a member of said board.

§ 1105 p. 65.

**SEC. 115. Duties and powers of board.** The board of health shall exercise general supervision over the health of the city, effect all measures necessary to promote the health and cleanliness thereof. It shall abate all nuisances of every description on public and private property. It shall use all due measures to prevent the introduction or spread within the city, or within five miles thereof, of any malignant, contagious or infectious diseases, and remove, quarantine or otherwise dispose of any person or persons, clothing or effects attacked with or having been exposed to such diseases, and shall adopt such rules and regulations necessary to prevent the introduction or spread of malignant, contagious or infectious diseases within the city, or within five miles thereof. It shall be the registry of births, deaths and burials and shall make necessary rules for conducting such registration, and all permits for removals or burials of the dead shall be issued by said board. It shall make a report to the city council, the first Monday in each quarter of the fiscal year, or oftener if directed by the council, of all its proceedings of the sanitary condition of the city and the cleanliness thereof, and shall make such recommendations to said body as may improve the sanitary condition of the city.

It shall have power to stop and prevent the discharge of sewerage from any premises within the city limits, into and upon any public highway, stream, watercourse or public place, or into any drain, cesspool or private sewer, whenever in the opinion of said board of health, the public interest shall demand it.

Report to secretary state board of health §1108 p. 65. Monthly report to county clerk of births and deaths. §2032 R. S. p. 475.

**SEC. 116. Duty of health officer.** The health officer shall take notice of all ordinances relating to the sani-



tary condition of the city and enforce the same, and to this end he is hereby authorized to enter, in the day time, any premises, houses or buildings within the city or within five miles thereof; and further, he may command the aid of the police force to assist in the discharge of his duties, if at any time it be necessary to do so. He shall, when required by the marshal, prescribe for and visit the city prisoners, and such cases of the city poor as the city council may designate, and shall assist in public vaccinations and in the work of quarantine.

**SEC. 117. Duty of Clerk.** One of the members of the board shall be appointed clerk, who shall perform such duties as may be required by the health officer, the board of health or any city ordinance. He shall keep in suitable books a full and complete record of the rules, accounts and proceedings of the board, and an account of all expenses incurred, the manner of disbursement, and also of all money received by the board.

**SEC. 118. Penalty for violation.** Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists any of the provisions of this chapter, or who refuses or neglects to obey any of the rules, orders, proclamations or sanitary regulations of the board of health, health officer or mayor, or who omits, neglects or refuses to comply with, or who resists any officers, or orders, or special regulations of said board of health, health officer or mayor, shall, upon conviction, be fined in any sum not more than one hundred dollars.

#### RULES OF THE BOARD OF HEALTH.

##### BIRTHS.

**SEC. 119. RULE I.** All physicians and midwives shall at the end of each month, return to the board of health a statement of each birth, giving date of birth, name in full, sex, race and color, also the name, age, nativity, occupation and residence of parents; if at any birth no physician or midwife attends, the parents must make such report.

## BURIALS.

RULE I. No person shall receive a permit for burial who does not present to the board of health a certificate of death signed by the attending physician or midwife, or any reputable citizen if a physician or midwife have not been in attendance, and undertaker.

RULE II. No person shall be allowed to remove from the city the remains of a dead person without first presenting to the board of health a certificate of death properly signed by a physician in good standing, or sexton, and must obtain from the health officer a permit for such transit.

RULE III. Any person or persons having died from diphtheria, scarlet fever or small pox, shall have no public burial.

## QUARANTINE.

RULE I. It shall be the duty of all physicians to report immediately to the board of health all cases of diphtheria, smallpox, scarlet fever, scarletina, and all other contagious diseases.

RULE II. The place wherein any person or persons are located having any of the diseases mentioned in the preceding rule, shall have displayed thereon a yellow flag.

RULE III. The quarantine flag must be allowed to remain at least twenty-one days after scarlet fever, and seven days after diphtheria is first reported, and it shall be unlawful for any person or persons to remove or interfere, in any way, with said flag without permission from the health officer.

RULE IV. No person who is, or who has been, affected with any of said diseases shall be permitted to leave the house in which he or she resides or lodges without a permit from the board of health, to be issued on receipt of a certificate from the attending physician that all danger of communicating the disease has passed; and no person residing or lodging in a house wherein such a disease is present, shall attend school, church, or other public place

without permission from the board of health. Twenty-eight days must have elapsed after the quarantine has been removed from places wherein scarlet fever has existed, and seven days wherein diphtheria has existed, before a permit to attend school will be granted.

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## CHAPTER XII.

### REVENUE AND TAXATION.

#### SEC. 120. **Assessment and collection of taxes.**

All property within the corporate limits of the city which is or which may hereafter be made taxable for county or state purposes by the laws of the State of Utah, shall be assessed and taxed for municipal purposes.

The assessment on all property taxable as aforesaid, and the collection of all general taxes levied for municipal purposes in the city, shall be made in the manner now or which may hereafter be provided by the laws of the state for the assessment of property, for the collection of taxes for county and state purposes and the redemption from tax sales.

General taxes §253 p. 39. Power to levy §206 Sub. Div. 3, 72 p. 18, 82 p. 26.—Special tax §§255-282 pp. 40-53. Equalization, collection, etc., Secs. 2687-96, pp. 70-72.

### POLL TAX.

SEC. 121. **Amount. Who liable to pay.** Two days work of eight hours each, or in lieu thereof three dollars lawful money, is an annual road poll tax upon every man over twenty-one and under fifty years of age, who is not physically incapacitated to work, resident within the city.

SEC. 122. **How used.** Said poll tax shall be collected under the regulations hereinafter provided, and shall be used by said city for improving any of the streets in the city.

All labor performed shall be done under the direction of the supervisor of streets.

Sec. 7 p. 85.

**SEC. 123. List of tax payers. How made.** Said supervisor shall, by diligent search and inquiry, made at such times as he may elect, between the first day of January and the thirtieth day of November in each year, ascertain and list the names of all persons within the corporate limits of the city, who are liable to pay poll tax, as provided in this chapter. He shall enter said names in a suitable register, which shall be furnished him for that purpose by the city recorder, at the expense of the city. The names shall be in alphabetical order, with suitable columns opposite each name to enter date of notice, the time in which the person named is required to perform the labor, the kind of pay received and date of payment.

**SEC. 124. Notice to work to be given.** It shall be the duty of said supervisor, at some time between the first day of January and the thirtieth day of November in each year, to deliver to each person liable to pay poll tax, or leave at his residence or usual place of business, a written or printed notice, citing him to appear at such time and place as may be designated in said notice, with appropriate tools for the kind of work to be performed, giving each person not less than two days notice of such requirement. Whenever necessary, the supervisor is authorized to employ team labor upon such terms as he may deem proper.

**SEC. 125. Delinquent tax payable in money.** If any person shall fail to pay the tax required by this chapter, within ten days after the time mentioned in the notice provided for in the preceding section, said tax shall be deemed delinquent, and the person so liable shall thereafter be required to pay such tax in money; and the supervisor of streets, as such, must proceed to collect the same as an action of debt in any court having jurisdiction; and no property of such delinquent shall be exempt from execution a judgment so recovered.

**SEC. 126. Money to be paid to treasurer.** The supervisor is hereby authorized to receive, at his office, cash in payment of poll tax, from any person tendering the same, and he shall pay over all money so collected to the city treasurer, as provided by ordinance. He shall keep stub receipt books, issue all receipts therefrom, and deliver to each person making payment of tax a receipt therefor. The receipts and stubs shall each show whether the tax was paid in money or labor, and if paid in both, what portion of each. The stubs shall also contain any other facts shown in the receipts. The stubs of said receipt books shall be delivered to the city recorder, on or before the fifteenth day of December in each year.

Officers account monthly Sec. 10 p. 86.

**SEC. 127. Annual report to council.** On or before the first Monday of January in each year the supervisor of streets shall return to the city council the register provided for in this chapter, with a written report containing a summary of the facts shown therein, which said report shall show:

First.—The total number of persons assessed for poll tax during the past year within the city.

Second.—The total amount of poll tax paid in labor.

Third.—The total amount of poll tax paid in money.

Fourth.—The amount of tax collected by suit, and the names of the delinquents.

Fifth.—The amount of uncollected poll tax, the name of each delinquent, and the reason in each case why such tax remains uncollected.

Sixth.—The amount and kind of poll tax labor expended within the city limits, and the places where such labor was performed.



## CHAPTER XIII.

### LICENSES.

**SEC. 128. Doing business without license, unlawful.** It shall be unlawful for any person to engage in or carry on any business, trade, profession or calling, for the transaction or carrying on of which a license is required, without first taking out or procuring the license required for such business, trade, profession or calling.

**SEC. 129. Applications. How license issued. Record.** All applications for license shall be made in writing to the mayor. All licenses, except liquor licenses, shall be issued and signed by the mayor, and attested by the city recorder under the seal of the city. The recorder shall keep an alphabetical list of licenses issued, stating the number, name, time, place and kind of business, and the amount paid, with such remarks as may be considered necessary.

**SEC. 130. What license to contain. Assignment.** Every such license shall specify by name the person, firm, or corporation to whom it shall be issued, and shall designate the particular place at which the business shall be carried on. No license granted or issued under any of the provisions of this chapter, or otherwise, shall be in any manner assignable or transferable, unless by permission of the mayor endorsed on such license.

**SEC. 131. Licenses issued quarterly.** All licenses shall be issued quarterly.

**SEC. 132. Free licenses, when may be given.** If any person shall furnish such evidence as shall satisfy the city council that he or she, by reason of misfortune or physical infirmities, merits exemption from the payment of

any license herein required, the council may grant such license.

**SEC. 133. Penalty.** Whoever violates any of the provisions or requirements contained in this chapter, where the penalty is not provided, shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding one hundred days, or both.

**SEC. 134. Auctioneers. License required.** No person shall be allowed to sell or expose for sale, by way of vendue, or auction, any property within the limits of said city, without first obtaining a license for such purpose, for which such person shall pay into the city treasury the sum of one hundred dollars, or five dollars per day.

**SEC. 135. Bankers, brokers, etc.** Every banker, broker, and money changer, before commencing or carrying on his business, shall make a statement under oath, sworn to before the city justice, of the value or amount of the capital so employed, which statements shall be filed in alphabetical order, and quarterly licenses issued thereon as follows:

|                                              |         |
|----------------------------------------------|---------|
| Upon a capital of \$50,000 and not exceeding |         |
| \$100,000 .....                              | \$18.75 |
| Upon a capital of \$25,000 and not exceeding |         |
| \$50,000. . . . .                            | 12.50   |
| Upon a capital of \$25,000 or less . . . . . | 6.25    |
| When no capital is employed . . . . .        | 3.00    |

**SEC. 136. Merchants and retailers.** Every merchant and retailer, before commencing or carrying on his business, shall make a statement of the cash value of all goods, wares, and other merchandise which he may have in his possession or under his control, whether owned by him or consigned to him for sale, which statement shall be sworn to before the city justice of the peace or notary public, by the merchant making it, or his duly authorized agent;

and before any license is issued the recorder shall collect from the applicant the sum of fifty cents for the issuance of such license, and money at a rate of four mills per dollar on the stock carried by such applicant.

**SEC. 137. Hotels.** Whoever shall keep a house with furnished rooms for the accommodation of travelers, and board the occupants of such rooms shall be deemed a hotel keeper, and before engaging in such business shall pay a license of three dollars.

**SEC. 138. Restaurants.** Whoever shall keep within this city a public house or place for furnishing meals without lodging, is declared to be a restaurant keeper, and shall pay a license of two and a half dollars.

**SEC. 139. Livery stable.** A livery stable keeper is one who keeps for hire, horses, carriages, or other vehicles. Every livery stable keeper shall make a statement of the number of animals and vehicles of all descriptions kept by him, which statement shall be sworn to before the justice of the peace or notary public. The city recorder shall file all such statements and may issue licenses thereon for one dollar.

|                  |        |
|------------------|--------|
| For a dray ..... | \$3.50 |
| For a hack.....  | 3.50   |

#### BUTCHERS, SLAUGHTERERS, ETC.

**SEC. 140. Amount of license.** Every butcher or slaughterer shall pay a license of \$4.00.

**SEC. 141. Slaughter houses.** It shall not be lawful for any person to slaughter any animal, or for any person to erect any slaughter house or yard, or engage in the business of slaughtering at any place other than such as may be designated by the city council; *provided*, that this

section shall not be construed so as to prohibit farmers from slaughtering their own animals for their own use.

**SEC. 142. Id. Record to be kept.** All persons licensed as butchers or slaughterers shall keep a book in which they shall record a faithful description of the age, size and color of all animals by them killed, with the brands and marks thereon, together with the name of the person from whom received, and the time when killed, which book shall be open to the inspection of the public.

**SEC. 143. Slaughter houses to be kept clean.** All persons engaged in the business of butchering or slaughtering, within the limits of the city, are hereby required to thoroughly cleanse their slaughter-houses and yards as often as necessary to keep them in a good sanitary condition, and to remove or dispose of all offal in such manner and at such place or places as may be designated by the city marshal.

**SEC. 144. Id. Inspection.** It shall be the duty of the city marshal, or his deputy, to visit the slaughter houses within the limits of the city (as often as he may deem it necessary), to examine the books and see if a faithful record is made of all animals killed, and that the slaughter houses are thoroughly cleansed as herein provided.

**SEC. 145. Penalty.** Any person violating the provisions of this chapter in relation to butchers and slaughterers, shall be liable to a fine in any sum not less than five nor more than one hundred dollars; and on a second conviction in addition thereto, his license may be declared forfeited.

## PEDDLERS AND HAWKERS.

**SEC. 146. Peddlers and hawkers must obtain license.** It shall not be lawful for any person to carry on the business of peddling, or hawking, or to offer for sale, barter or exchange, at retail, any garden or farm produce, butter, eggs, poultry, fish, game, medicine or other goods, wares or merchandise, within the limits of the city, without first obtaining a license therefor.

**SEC. 147. Payable in advance.** Licenses for peddling or hawking as above described may be issued for the term of one quarter, on payment in advance, of the following sums:

|                                                                                                                                                                     |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| For a license to peddle fruit .....                                                                                                                                 | \$ 1.00 |
| For a license to peddle vegetables, fruit and garden produce, butter, eggs, poultry, fish and game .....                                                            | 2.00    |
| <i>Provided</i> , that nothing herein shall be deemed to apply to persons offering for sale, butter and eggs, fruit or vegetables raised or produced by themselves. |         |
| For a license to peddle notions or small wares .....                                                                                                                | 5.00    |
| For a license to peddle merchandise and other property not otherwise licensed under this chapter                                                                    | 40.00   |
| For a license to peddle or hawk medicine.....                                                                                                                       | 30.00   |
| For a license to sell, vend or peddle or otherwise dispose of machinery, wagons, buggies or other vehicles, stoves, ranges, hardware, implements, tools, etc .....  | 5.00    |



*Provided*, that nothing in this clause shall be construed to prohibit any regularly established merchant operating under a license, from selling or otherwise disposing of any article herein mentioned.

## MISCELLANEOUS LICENSES.

SEC. 148. **Amounts, etc.** Every person, before engaging in or pursuing any business, vocation or calling hereinafter mentioned, shall obtain a license so to do, unless otherwise provided, and make quarterly payments into the city treasury, in advance as follows:

|                                                                                                                                                   |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| For a license for a skating rink .....                                                                                                            | \$ 5.00 |
| For a license for a shooting gallery .....                                                                                                        | 3.00    |
| For a license as a lumber merchant (to include<br>dealing in doors, sash, lath, shingles, posts,<br>etc.) .....                                   | 3.00    |
| For a license as a sewing machine agent for<br>each company represented .....                                                                     | 5.00    |
| For a license as a bill poster .....                                                                                                              | 1.00    |
| For a license as fresh meat peddler or otherwise .....                                                                                            | 5.00    |
| For a license as pawnbroker .....                                                                                                                 | 12.50   |
| For a license as second-hand dealer .....                                                                                                         | 6.00    |
| For a license as a coal dealer .....                                                                                                              | 3.00    |
| For a license for a circus or equestrian exhibition,<br>for each day .....                                                                        | 25.00   |
| For a license for a traveling menagerie, for each<br>day .....                                                                                    | 10.00   |
| For a license to run a dancing hall .....                                                                                                         | 2.50    |
| For a license to run a dancing, music or theatre hall .....                                                                                       | 5.00    |
| For a license for a theatrical representation, con-<br>cert, ball, lecture, or tricks of legerdemain,<br>for each performance or exhibition ..... | 2.00    |
| For a license for an acrobatic or athletic perform-<br>ance, or sparring exhibition, each day .....                                               | 10.00   |
| For a license for merry-go-round, whirligig or<br>similar contrivances, for each day .....                                                        | 5.00    |

But it shall be unlawful for any person licensed as before stated to keep open on Sundays any store, workshop, bar, saloon, banking house, or other place of business for the purpose of transacting business therein.

The provisions of the preceding sections do not apply to persons who on Sunday keep open hotels, boarding houses, baths, restaurants, taverns, livery stables, or retail drug stores for the legitimate business of each, or such manufacturing establishments as are usually kept in continuous operation.

It shall be unlawful for any person running or conducting a restaurant, ice cream parlor or other place within the limits of the city where refreshments are sold or dealt out to the public to keep open for business such restaurant, ice cream parlor, or other such place between the hours of 11 o'clock p. m. and 5 o'clock a. m. of the succeeding day.

Dancing halls in this city must not be kept open after 1 o'clock a. m. without by permission of the mayor.

#### INTOXICATING LIQUORS.

**SEC. 149. License necessary.** No person shall manufacture, sell, barter, deal out, or otherwise dispose of any spirituous, vinous, malt or other intoxicating liquors, without first obtaining from the city council a license therefor, in the manner provided by law.

Manner of obtaining license Secs. 1242-1248, pp. 66-69. Authority Secs. 40-42, pp. 19, 20.

**SEC. 150. Definition of classes.** A manufacturer, as contemplated in this chapter, is one who manufactures any of the before mentioned liquors, and sells the same at wholesale as follows: If in kegs, not less than two gallons; if in bottles, not less than one dozen; but no such liquors shall be sold or otherwise disposed of to be drunk on the premises where manufactured. A wholesale dealer as con-

templated in this chapter, is one who sells or otherwise disposes of such liquors in any quantity not to be drunk on the premises where sold. A retail dealer, as contemplated in this chapter, is one who sells or otherwise disposes of such liquors in any quantity, and also by the glass, or dram to be drunk on the premises, where sold.

**SEC. 151. Amount of license.** The following named sums shall be paid quarterly into the city treasury in advance for each license granted as herein provided:

First.—As a manufacturer ..... \$100.00

Second.—As a wholesale dealer .. . . . 125.00

Third.—As a retail dealer.... . . . . . 200.00

**SEC. 152. Selling to female in wine room.** No keeper of any saloon, tippling house, or dram shop shall have or keep in connection with, or as part of, such saloon, tippling house, or dram shop, any wine room or any other place, either with or without door or doors, curtain or curtains, or screen of any kind, into which any female person shall be allowed to enter from the outside, or from such tippling house or dram shop, and there be supplied with any kind of liquor whatsoever. Any person violating any provision of this section shall be guilty of a misdemeanor.

**SEC. 153. Selling to insane or idiotic persons. Minors.** Any person who shall knowingly give, sell, or otherwise dispose of any intoxicating drink to an insane or idiotic person, and any person licensed as herein provided, or any other person, who shall knowingly give, sell, or otherwise dispose of any intoxicating drink to any minor, or who shall permit any of said persons to be, or remain in his place of business where liquors are sold, or who shall give, sell, or otherwise dispose of any intoxicating drink to any person who is known in the community as a habitual drunkard, shall be deemed guilty of a misdemeanor.

Disposing of to Indian, a felony, Sec. 4298, p. 913 R. S.

**SEC. 154. Sunday selling. Gambling, dancing, sleeping, etc., on premises.** Any person licensed as aforesaid, or any person neglecting or refusing to obtain a license, as herein provided, who shall either:

1. Sell, give away, or otherwise dispose of any intoxicating drink at any time during the first day of the week, commonly called Sunday, except for medical purposes upon the prescription of a physician; or,

2. Permit on his premises where such intoxicating drink is sold, any gambling by means of dominoes, cards, dice, or other articles, or any description of gambling; or,

3. Permit dancing, drunkenness, sleeping, or lodging in the night time, or who shall permit any disorderly conduct in his saloon licensed for the sale of liquors, shall be deemed guilty of a misdemeanor, and shall be punished by a fine in any sum less than three hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment, at the discretion of the court.

**SEC. 155. Selling without license.** Any person who shall sell or otherwise dispose of, for gain, upon any pretext whatever, malt, spirituous, or vinous liquors, or any intoxicating drink, without first having complied with the conditions of, and obtained a license as set forth in this chapter, shall, for each offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine in any sum less than three hundred dollars, or by imprisonment not exceeding six months in the county or city jail, or by both such fine and imprisonment.

**SEC. 156. Judgment on conviction.** In all judgments or convictions of any person of a misdemeanor, under the provisions of this chapter, the penalty shall be a fine not to exceed three hundred dollars, or imprisonment not to exceed six months, or both such fine and impris-

onment, and the court, in its discretion, may order that the defendant, in default of payment of the fine and costs, be imprisoned until such fine and costs are paid, at a dollar per day, said imprisonment, however not to exceed the term of six months in all; or may order that executions issue against the defendant for such fine and costs, and should any such execution be returned unsatisfied, either wholly or in part, a suit may be maintained, upon any bond that such defendant may have given in accordance with section twelve hundred and forty-three.

Pages 66, 67.

**SEC. 157. Selling on election days.** It shall be unlawful for any person either licensed or unlicensed to sell, give away, or in any manner dispose of directly or indirectly any spirituous, vinous, or other intoxicating liquors on any part of any day set apart or to be set apart for any general or special election for any state, county, municipal, district, or precinct officer, in any election district in the city except for medical purposes upon the prescription of a physician. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

**SEC. 158. Physicians' prescriptions. If false.** Any physician who shall issue to any person a prescription to obtain any intoxicating liquors at any time when the sale or disposal thereof shall have been forbidden by law, ordinance, or proclamation, shall certify on said prescription that the health of the person to whom the prescription is issued requires, and would be promoted by, the particular kind of liquor prescribed. Any physician who shall issue any prescription for any intoxicating liquors contrary to this section, or believing the same to be false, shall be guilty of a misdemeanor.

**SEC. 159. Proclamation forbidding sale on legal holiday.** The mayor is hereby authorized, whenever in his judgment the public good shall demand it, to forbid, by proclamation, the sale or disposition in any manner, with-



in the city, of spirituous, vinous, or other intoxicating liquors, upon any day designated or set apart in this state as a legal holiday.

**SEC. 160. Id. Penalty.** Any person, whether licensed or not, who shall sell, give away, or in any manner dispose of for gain, any spirituous, vinous, or intoxicating liquors, upon any day when such sale or disposition shall have been forbidden by proclamation, except for medical purposes upon a prescription issued by a regular practicing physician, shall be guilty of a misdemeanor.

**SEC. 161. Forbidding minors in saloons.** Any person under twenty-one years of age found in any saloon in this city shall be deemed guilty of an offense and liable to a fine in any sum not to exceed ten dollars, or by imprisonment not to exceed ten days, or by both such fine and imprisonment in the discretion of the court.

**SEC. 162.** No person licensed as aforesaid, nor any employee of such person, nor any person acting in his stead or behalf, shall sell, give away, or in any way dispose of any intoxicating drink before the hour of 5 a. m., or after the hour of 11 p. m., except for medical purposes, upon the prescription of a physician.

**SEC. 163. Bar-room, how arranged.** The front wall or partition of all bar-rooms or other places where liquors are sold at retail shall be constructed in part of clear, unpainted, transparent glass from a height not to exceed four feet from the sidewalk up and so arranged that when the blinds and screens are removed, a free and unobstructed view of the interior can be had from the sidewalk or other public place adjacent thereto. At all times in this ordinance mentioned when sales of liquor are prohibited, all screens, blinds and other obstructions preventing a full view from the sidewalk or other public place, of the interior of such bar-room or other place where liquor is sold at retail shall be removed.

SEC. 164. **Penalty.** Any person violating any of the provisions of the two preceding sections shall upon conviction thereof be punishable by a fine not to exceed one hundred dollars or by imprisonment in the city jail not to exceed thirty days, or by both fine and imprisonment.

SEC. 165. **Tobacco must not be sold to minors.** Any person who shall sell, give or furnish any cigar, cigarette or tobacco in any form, or any opium or other narcotic in any form to any person under eighteen years of age in the city shall be deemed guilty of an offense, and upon conviction thereof shall be fined in any sum not less than ten nor more than one hundred dollars.

SEC. 166. **Unlawful for minors to use narcotics.** It is hereby made unlawful for any person under eighteen years of age in the city, to smoke any cigar, cigarette, or use tobacco in any form, or any opium or any other narcotic in any form. Any person under eighteen years of age violating the provisions of this section shall be deemed guilty of an offense, and upon conviction shall be fined in any sum less than ten dollars, or be imprisoned in the city jail not to exceed ten days.

SEC. 167. **Id. Exemptions when prescribed by physicians.** The provisions of this ordinance shall not apply to the use, sale, giving or furnishing of any narcotic upon the prescription of a physician.

#### BILLIARD TABLES, ETC.

SEC. 168. **Obtain license.** No person shall keep or use in any public place in this city, any billiard or pool table or tables, or any pin or ball alley, or nine or ten pin alley or alleys, or the runway or runways of either thereof, in

or on which games are played, without first obtaining a license and paying a tax therefor as hereinafter provided.

**SEC. 169. Id. Applications. Amount.** All applications for license as contemplated by the preceding section, shall state the number and kind of tables, pin or ball alleys, or nine or ten pin alleys and the runways thereof to be licensed, and the place of keeping the same. Upon the filing of such application and upon payment into the city treasury of fifteen dollars per quarter for each and every such table, and of fifteen dollars per quarter for each and every pin or ball alley, or nine or ten pin alley and the runway thereof, specified in said application, quarterly licenses may be issued thereon.

**SEC. 170. Restrictions on minor, drunkenness, etc.** No person licensed as provided in the two preceding sections, shall permit any minor under twenty-one years of age to be and remain within his place of business, where such games are played, without the written consent of the parent or guardian of said minor. He shall prohibit drunkenness or any disorderly conduct within his place of business, and shall not keep such place of business open before the hour of five o'clock a. m., nor after the hour of eleven o'clock p. m., on any day of the week, nor at any time during the first day of the week, commonly called Sunday.

**SEC. 171. Penalty.** Every person violating any of the provisions of the three preceding sections, shall, upon conviction thereof, be punished by a fine in any sum not exceeding one hundred dollars, or by imprisonment not exceeding one hundred days, or by both fine and imprisonment, at the discretion of the court.

## CHAPTER XIV.

### DOGS.

**SEC. 172. To be registered. Annual tax. Penalty.** It shall not be lawful for any person to own or keep

a dog within the limits of the city without making application to the city recorder for that purpose, and shall pay to said recorder, for the benefit of the city, an annual tax of two dollars for a female dog, and one dollar for a male dog. The recorder shall register the applicant's name and a description of the dog, and give to said applicant a certificate of registry. Any person violating this section shall be liable to a fine in any sum not less than three nor more than ten dollars for each offense.

**SEC. 173. Collars and numbers.** All dogs so registered shall wear a suitable collar with a metallic plate or check attached thereto, having a number corresponding with the certificate of registry inscribed thereon, and all dogs not registered and collared as aforesaid shall be liable to be killed the same as unregistered dogs. The marshal is hereby authorized to kill, or cause to be killed, all dogs not registered according to the provisions of this chapter. The owners of such dogs shall be liable to a fine in any sum not exceeding ten dollars.

**SEC. 174. Female dog in heat.** Any female dog running at large while in heat shall be liable to be killed and the owner or possessor thereof shall be liable to a fine in any sum not exceeding fifteen dollars.

**SEC. 175. Permitting in place of worship.** Any owner or possessor of a dog permitting the same to enter or be in any place of worship during public service, shall be liable to a fine in any sum not exceeding five dollars for each offense.

**SEC. 176. Dangerous dog at large.** If any owner or possessor of a fierce, dangerous, or mischievous dog permits the same to go at large, he shall be liable to be fined in any sum not exceeding fifteen dollars, and the city marshal shall immediately cause said dog to be killed.

**SEC. 177. Penalty for killing registered dog.** Any person who shall kill, or cause to be killed, any dog registered as herein provided, except a female dog in heat, without the consent of the owner or possessor thereof, or de-

prive a registered dog of its collar, or put a registered tag on any dog not registered, shall be liable to a fine in any sum not exceeding twenty-five dollars.

## CHAPTER XV.

### MISDEMEANORS.

SEC. 178. **Abusive language.** If any person shall abuse another by using menacing, insulting, slanderous or profane language in the city, he shall be liable to a fine in any sum not exceeding fifty dollars, or to imprisonment not exceeding thirty days, or to both such fine and imprisonment.

SEC. 179. **Animals, cruelty to, etc** Every person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures the same to be done; and every person having the charge or custody of any animal, either as owner or otherwise, who inflicts unnecessary cruelty upon the same, or wilfully fails to provide such animal with proper food, drink, shelter, or protection from the weather, shall, for every such offense, be punished by imprisonment not exceeding three months, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment.

SEC. 180. **Animals, killing, maiming, or poisoning.** Any person who shall wilfully kill, maim, or disfigure any horse or other domestic animal, the property of another, or administer poison to any such animal, or expose any poisonous substance with the intent that it shall be taken by any such animal, shall be liable to a fine in any sum not exceeding one hundred dollars, or imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

SEC. 181. **Animals, driving sheep through streets.** Every person who drives any herd of sheep, horses or cattle consisting of one hundred or more, over or upon any of the public streets of this city, except by the permission and according to the direction of the city marshal first had and obtained, shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars.



**SEC. 182. Assault and Battery.** Any person who shall commit an assault or battery within the limits of the city, shall, upon conviction, be fined in any sum not to exceed one hundred dollars, or be imprisoned for a period not to exceed one hundred days or both.

**SEC. 183. Bathing in city limits.** No person shall swim or bathe in any of the waters within the limits of the city, except in public or private bath houses, unless covered with a bathing suit so as to prevent any indecent exposure of person, under a penalty of not to exceed twenty-five dollars for each offense.

**SEC. 184. Dangerous and concealed weapons.** Any person who shall carry any slingshot, or any concealed deadly weapon, without the permission of the marshal first had and obtained, shall, upon conviction, be liable to a fine not exceeding one hundred dollars.

**SEC. 185. Defacing or destroying property.** Any person who shall wilfully injure, deface or destroy any building or fixture thereof, or injure, destroy or secrete any goods, chattels or valuable papers of another, or prepare any dead-fall, or dig any pit, or arrange any trap, to injure another's person or property, or take down, injure or remove any monument, street sign, or any tree marked as a boundary of any tract of land or city lot, or destroy, deface or alter the marks of any monument or street sign, or injure or destroy any fence or fountain, or any shade or fruit tree, or any other kind of public or private property, or deface sidewalks with painted or printed handbills or signs, posters or other advertisements, shall be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment not to exceed three months, or to both such fine and imprisonment.

**SEC. 186. Discharging guns.** Any person discharging guns or pistols within the limits of the city (except in self-defense, or in the case of any civil officer in the discharge of his duty), shall be liable to a fine of not more than fifty dollars for every such offense.

**SEC. 187. Disorderly house.** Any person who shall keep any ill-governed or disorderly house, or who shall suf-

fer or permit any drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct whatever on his premises, shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars for each and every offense.

**SEC. 188. Disturbance of peace.** If any person shall commit a disturbance of the peace within the limits of the city, by brawling or noisy acclamations, by tumultuous or offensive language or conduct, by blowing for a longer period than five seconds any kind of steam whistle, excepting in case of fire or accident, within the limits of the city, or making other noises, he shall be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment not exceeding three months, or to both such fine and imprisonment.

**SEC. 189. Disturbance at election, etc.** If any person shall excite disturbance or contention at a public house, court, election, or any lawful meeting of citizens within the limits of the city, he shall be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment not exceeding three months, or to both such fine and imprisonment.

**SEC. 190. Disturbance at religious meeting.** Any person who shall disturb a public assembly, congregated for religious or other lawful purposes, within the limits of the city, by undue noise, or by offensive, unbecoming or indecent behavior, shall be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment not exceeding three months, or to both such fine and imprisonment.

**SEC. 191. Drugs to be labeled. Poison.** All persons who prepare or put up drugs or medicines are hereby required to label them in a plain and legible manner, in the English language, and all drugs of a poisonous nature shall be labeled "poison."

**SEC. 192. Drunkenness.** Any person found drunk in any street, lane, alley or other public place in the city, shall be liable to a fine not exceeding fifty dollars for each

offense; and any person found drunk elsewhere in the city, on complaint being made to any peace officer, shall be liable to arrest and punishment by fine not exceeding twenty-five dollars.

**SEC. 193. Enticing minors from guardian, etc.**

Any person who shall use any influence to entice or persuade any minor, male or female, under the age of fourteen years, from his or her parents, guardians, or other person having charge of the same, without the consent of such parents, guardians or other person, shall be liable to a fine of not more than one hundred dollars, or to imprisonment not more than three months, or both,

**SEC. 194. Escape of prisoners.** Any person convicted of any offense against the ordinances of the city, and in lawful custody therefor, who shall escape from such custody, shall be liable to be punished by a fine or imprisonment not exceeding the original punishment.

**SEC. 195. Escape of prisoners. Abetting or aiding.** Any person within the limits of the city, who shall aid or assist a person to escape from lawful confinement, or who shall aid or assist another to escape from any peace officer of the city, shall, on conviction, be liable to a fine of not less than five nor more than one hundred dollars, or to imprisonment not to exceed three months, or to both fine and imprisonment, for each offense.

**SEC. 196. Taking weapons and tools to prisoners.** Any person who shall take into the city prison, or deliver to any prisoner therein confined, or in custody of any officer of such prison, any weapon, tool, intoxicating drink, or other article, or attempt so to do, without the consent of the officer in charge, shall, upon conviction, be liable to a fine of not to exceed one hundred dollars, or to imprisonment not to exceed three months, or both such fine and imprisonment.

**SEC. 197. False pretenses. Refreshments.** Any person who shall, within the limits of the city, obtain any goods, chattels or other property under false pretenses, or who shall enter into any public house, shop or place, and

call for refreshments or other article or thing and receive the same and depart without paying or satisfying the owner thereof, shall be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment not exceeding three months, or to both such fine and imprisonment.

**SEC. 198. Fighting.** It shall be unlawful for two or more persons to engage in a fight within the limits of the city; and the persons guilty thereof shall, upon conviction, each be liable to be fined in any sum not exceeding fifty dollars.

**SEC. 199. Food and liquor, selling unwholesome.** Any person who shall sell, or expose for sale, any bad beef, pork, mutton, or other meat, stale or otherwise impure flour, meal, grain or vegetables; or adulterated or unwholesome spirituous or malt liquors, or other beverage intended for drinking; or any other kind of unwholesome provision, preparation, condiment, or seasoning for meats and drinks, shall be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment not exceeding three months, or to both fine and imprisonment; and the court having jurisdiction may order such provisions and drinks to be destroyed.

**SEC. 200. Fowls must not trespass.** It shall be unlawful for the owner of any domestic fowls, such as turkeys, ducks, geese or chickens, to permit such fowls to trespass upon the premises of another person at any time between the first day of March and the thirty-first day of October, and any such owner, for permitting them to so trespass, shall, on conviction, be liable to a fine in any sum not exceeding ten dollars.

**SEC. 201. Gambling houses, keeping or renting.** If any person shall keep a house, shop or any other place resorted to for the purpose of gambling, or permit or suffer any person in any house, shop or other place under his control or care, to play at cards, dice, faro, roulette, keno, or any other game for money or other property, or thing representing money, within the limits of the city, such offender, for such offense, shall be liable to a fine not exceeding one hundred dollars, or to imprisonment not ex-

ceeding three months, or to both such fine and imprisonment. In a prosecution under this section, any person who has the charge of, or attends to, any such house, shop or place, may be deemed the keeper thereof, and any person renting out a house or place for the purpose of gambling, shall be liable to the penalties prescribed in this section.

**SEC. 202. Gambling.** Every person who shall play at any game for money or other property, or thing representing money or other property, within the limits of the city, shall, for each and every such offense, upon conviction thereof, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the city jail not exceeding three months, or by both such fine and imprisonment, at the discretion of the court.

**SEC. 203. Interfering with officer.** Any person who shall interfere with, resist, molest, or threaten to molest, any officer of the city in the exercise of his official duties, shall be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment not more than three months, or to both such fine and imprisonment.

**SEC. 204. Lottery defined.** A lottery is any scheme for the disposal or distribution of property by chance, among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property or a portion of it, or for any share, or any interest in such property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name the same may be known. Every person who contrives, prepares, sets up, proposes, or draws any lottery, is guilty of a misdemeanor and shall, on conviction, be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment not exceeding three months, or to both such fine and imprisonment.

**SEC. 205. Obscene literature or conduct.** No person shall:

First.—Offer for sale, sell, exhibit, pass, give, or deliver



to another, any obscene, lewd or indecent book, pamphlet, picture, card, print, paper, writing, mould, cast or figure, or have the same in his possession, unless it is shown that the possession is innocent or for a lawful purpose.

Second.—Circulate or distribute, or cause to be circulated or distributed, any pamphlets, books, or circulars treating of or illustrating any of the diseases of the sexual organs.

Third.—Appear in a public place naked, or in an indecent or lewd dress.

Fourth.—Make any obscene or indecent exposure of his or her person, or urinate or stool in any place open to public view.

Fifth.—Indecently exhibit any horse, bull or other animal.

Sixth.—Be guilty of prostitution or any lewd, lascivious or other open obscene or indecent conduct.

Seventh.—Utter or speak any obscene or lewd language.

Eighth.—Exhibit or perform any indecent, immoral or lewd play or other representation.

Any person who shall violate any of the provisions of this section shall, upon conviction, be liable to a fine in any sum not to exceed one hundred dollars, or to imprisonment not to exceed three months, or to both such fine and imprisonment.

**SEC. 206. Opium dens.** No person shall, within the limits of the city, keep or maintain, or become an inmate of, or visit, or in any way contribute, to the support of any place, house or room where opium is smoked, or where persons assemble for the purpose of smoking opium, or inhaling the fumes of opium, or where opium is sold for such purposes. Any person violating any of the provisions of this section shall be liable, for each and every offense, to punishment by fine in any sum not exceeding one hundred dollars, or by imprisonment for a period of not more than three months, or both such fine and imprisonment.

**SEC. 207. Personating an officer.** Any person who shall falsely represent himself to be an officer of the

city, or attempt to personate one, or who, without authority, shall perform any official act for or in behalf of any such officer, shall be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment not exceeding three months, or to both such fine and imprisonment.

**SEC. 208. Petit larceny.** Petit larceny is the unlawful stealing, taking, carrying, leading or driving away the personal property of another, when the property so taken does not exceed fifty dollars in value, and when said property is not taken from the person of another. Petit larceny is punishable by a fine in any sum not exceeding three hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

**SEC. 209. Posting bills without permission.** Any person who shall print, paint, write, mark or in any way post up any notice, card, advertisement or other device upon any wall, fence, tree, post, building, or other property, or cause the same to be done, without the permission of the owner or agent thereof, within the limits of the city, shall be liable to a fine not exceeding fifty dollars.

**SEC. 210. Posted ordinances, advertisements, etc.** Any person who shall, without authority, tear down or deface any ordinance, bill, notice, advertisement, or any other paper of a business or legitimate character, lawfully posted up within the limits of the city, within thirty days from the date of such paper, shall be liable to a fine not exceeding fifty dollars, or to imprisonment not exceeding twenty days for every such offense,

**SEC. 211. Profanity.** Any person profaning the name of the Deity within the limits of the city, shall be liable to a fine not exceeding ten dollars, or to imprisonment not exceeding five days, or to both such fine and imprisonment.

**SEC. 212. Reckless driving.** Any person who shall, by riding or driving immoderately or recklessly, run any horse, mule or other animal, in any of the streets of

the city, shall be liable to a fine in any sum not exceeding fifty dollars.

**SEC. 213. Riot defined. Proclamation.** When three or more persons assemble together, and in a violent and tumultuous manner, commit an unlawful act, or do a lawful act in an unlawful, violent or tumultuous manner, to the disturbance of the peace, within the limits of the city, it shall be deemed a riot, and every such offender shall be liable to imprisonment not exceeding six months, or to a fine not exceeding one hundred dollars, or to both such fine and imprisonment, and the mayor or any councilman is hereby authorized to make proclamation among the persons so assembled, or as near to them as he can safely come, charging and commanding them in the name of the city, to immediately disperse and peacefully depart to their habitations or lawful pursuits; and if, upon such proclamation being made, such persons shall not obey the same, said mayor or councilman may command the marshal, the police, and the full power of the city to arrest the offenders, and bring them before any officer having jurisdiction over the offense, to be dealt with according to the provisions of this section.

**SEC. 214. Riot. Assistance in suppressing.** Any person neglecting or refusing to give prompt assistance after the making of the aforesaid proclamation, and a call for his services having been made to secure any offenders mentioned in the preceding section, shall be liable to imprisonment not exceeding thirty days, or to a fine not exceeding one hundred dollars, or to both such fine and imprisonment.

**SEC. 215. Trespass.** Any person who shall take down any fence, or let down any bars, or open any gate so as to expose any enclosure, or ride, drive, or walk across, or lodge, camp, or sleep upon, the premises of another, without permission of the owner or occupant thereof, shall be liable to a fine in any sum not exceeding one hundred dollars.

**SEC. 216. Vagrancy.** Every person (except an In-

dian) without any visible means of living, who has the physical ability to work, and who does not, for the space of five days, seek employment, nor labor when employment is offered him; every healthy beggar who solicits alms as a business; every person who roams about from place to place without any lawful business; every idle or dissolute person, or associate of known thieves, who wanders about the streets at late or unusual hours of the night, or who lodges in any barn, shed, shop, outhouse, vessel, or place other than is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; every lewd and dissolute person who lives in and about houses of ill-fame, and every common prostitute and common drunkard, is a vagrant, and punishable by imprisonment not exceeding three montns, with or without labor at the discretion of the court.

**SEC. 217. Officer refusing to perform duties.**

Every officer of the city who shall refuse to perform any of the duties imposed upon him by ordinance, or who shall perform the same in a fraudulent or partial manner, or shall become a party to or encourage any violation of the ordinances of the city, shall be guilty of an offense, and upon conviction thereof, shall be liable to a fine in any sum not exceeding one hundred dollars, or to be imprisoned in the city jail not exceeding one hundred days, or to both such fine and imprisonment.

**SEC. 218. Insulting females.** Any male person who rudely or improperly follows, pursues, lays hands upon, molests, insults, or insolently or offensively speaks to or addresses any female person in any street or public place in the city is guilty of an offense, and upon conviction thereof shall be liable to a fine in any sum not exceeding one hundred dollars, or to be imprisoned in the city jail not exceeding one hundred days, or to both such fine and imprisonment.

**SEC. 219. Crowds obstructing thoroughfares.** It shall be unlawful for any person or persons in the city ,

to congregate about or upon any sidewalk, stairway, doorway, or in front of any business or dwelling house, theatre, lecture-room church or elsewhere, and by so doing obstruct or interfere with the free passage of persons entering, or occupying any such building or premises, or by their language, conversation, or conduct, annoy, insult or disturb persons passing along any street, or alley, or occupying, residing, or doing business in any such house, houses or places; and every person violating the provisions of this section is guilty of an offense, and upon conviction thereof, shall be liable to a fine in any sum not exceeding one hundred dollars, or to be imprisoned in the city jail not exceeding one hundred days, or to both such fine and imprisonment.

## CHAPTER XVI.

### NUISANCES.

**SEC. 220. Unlawful keeping of live stock in the city.** It shall not be lawful for any person to keep on any one place within the city more than fifty head of cattle, twenty head of horses, and one hundred head of sheep. Anyone violating this provision by keeping any more than here specified shall be liable to a fine of not more than fifty dollars.

**SEC. 221. Slaughter house. Meat market.** If any owner or occupant of any slaughter house, market, meat shop, or other place where any swine, beeves, sheep, fowls or other animals are slaughtered, kept or sold, either in said slaughter house or on the premises of said owner or occupier, shall permit the same to remain unclean, to the unnecessary annoyance of the citizens of the city, or any of them, or in any state or condition detrimental to the public health, the same shall be deemed a nuisance.

**SEC. 222. Unclean drain, Garbage receptacle.** If any person causes or permits, within the city limits any



unclean, stinking, foul, defective or filthy drain, ditch, tank or gutter, or any leaking or broken slop, garbage or manure box, or receptacle of similar character, to remain on his premises, the same shall be deemed a nuisance.

**SEC. 223. Vegetable waste.** All vegetable waste, litter, garbage, filth or refuse of any nature, kind or description which shall be detrimental to the public health, found in or upon any private alley, yard or area within the city limits, unless the same is temporarily deposited for removal, shall be deemed a nuisance.

**SEC. 224. Barn, pig sty, etc.—when nuisances.** Any privy or pig sty erected nearer than fifty feet to the street line of any lot in the city, without a special permit from the mayor or marshal, or within fifty feet of the residence of any other person than the owner of such privy or pig sty, without the consent of such other person, and every barn, stockyard, or offal yard erected or continued within two rods of any street line, or the residence of any other person, without permission, and any shavings, or straw, (except when used for fuel), chaff, hay, grain or forage placed within fifty feet of any dwelling or place where fire is used, is hereby declared to be a nuisance and may be abated as hereinafter provided.

**SEC. 225. Dead animals.** Any horse, cow, ox, dog, cat or other animal that shall die within the city limits, and the carcass of which shall not be buried within twenty-four hours after the death, shall be deemed a nuisance.

**SEC. 226. Unsound food or offensive matter.** Any putrid or unsound meat, fish, hides or skins of any kind, or filth, offal, dead animals, vegetables, or any unsound or offensive matter whatsoever, thrown, placed or conducted into or upon any street, alley or lot, or into any aqueduct, ditch, gutter or canal, shall be deemed a nuisance.

**SEC. 227. Other things deemed a nuisance.** Every act or thing done or made, permitted, allowed or continued on any property, public or private, by any person

or corporation, their agents or servants, detrimental to health, or to the damage or injury of any of the inhabitants of the city, not hereinbefore specified, shall be deemed a nuisance.

**SEC. 228. Police to report nuisances.** It shall be the duty of the marshal and police to observe the sanitary conditions of the city, and report to the health officer promptly any nuisance or accumulated filth, or any condition detrimental to the public health, found in any portion of the city.

**SEC. 229. Health officer to abate.** Every nuisance hereinbefore mentioned, declared or defined, is hereby prohibited, and in case of neglect or refusal of any person to comply with the provisions of this chapter, after notice in writing has been served as provided by this chapter, it is hereby made the duty of the health officer to abate or procure the abatement thereof by filling up, draining, cleaning, purifying or removing the same, as the case may be, and the cost shall be collected from the authors thereof.

**SEC. 230. Penalty for violation.** Any person or persons who shall be convicted of being the author or keeper of a nuisance, or otherwise guilty of a violation of any provision of this chapter, shall be fined for the first offense not less than five dollars nor more than one hundred dollars, and for the second offense not less than twenty-five dollars nor more than one hundred dollars, and for the third and all subsequent offenses not less than fifty dollars nor more than one hundred dollars.

**SEC. 231. Notice to abate nuisance.** In order to better carry out the provisions of this chapter the health officer may serve a notice in writing upon the owner, occupant or agent of any lot, building or premises in or upon which any nuisance may be found, or upon him who may be the cause of such nuisance, requiring him to abate the same in such manner as the health officer may direct, and within a reasonable time; and if such owner, occupant, or agent shall neglect or refuse to comply with the require-

ments of such notice within the time specified, he shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than one hundred dollars. The failure to give a notice as provided herein shall not relieve the author of any nuisance of the penalties provided in this chapter.

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## CHAPTER XVII.

### CURFEW.

**SEC. 232. When for minors not to be on streets.** It shall be unlawful for any person under seventeen years of age to be on any of the streets or public places in the city after eight o'clock p. m., and before seven o'clock a. m. of any day, from the first day of November in each year to the first day of April following; and after nine o'clock p. m. and before five o'clock a. m. on any day, from the first day of April to the first day of November in each year, except by written permit of the parent, guardian or other person having control of such minor, or except such minor be attended by some relative, guardian or custodian. All such permits must be properly dated, and are valid only for the day named therein.

**SEC. 233. Bell to be rung.** It shall be the duty of the city marshal, or some one authorized by him, to ring the curfew bell as designated by the city council, at the hours of eight and nine o'clock p. m., as herein specified during the year.

**SEC. 234. Penalty.** Any person violating the provisions of this chapter shall be deemed guilty of an offense, and liable to be fined in any sum not exceeding five dollars, or imprisonment not exceeding five days, or both.

## CHAPTER XVIII.

## SALARIES AND FEES.

SEC. 235. **Salaries, when fixed.** The city council shall, at the regular meeting thereof in October, 1899, and biennially thereafter, fix the salaries of all city officers for the ensuing two years; *provided*, that the salaries already fixed shall remain in force if not changed as provided in this section.

The annual salaries of city officers are hereby fixed at the following amounts respectively:

|                                                              |          |
|--------------------------------------------------------------|----------|
| Mayor .....                                                  | \$ 75.00 |
| Councilmen, each (20 cts. per hour for committee work) ..... | 30.00    |
| Recorder .....                                               | 160.00   |
| Treasurer .....                                              | 140.00   |
| Justice of the Peace .....                                   | 80.00    |
| Marshal and assistants .....                                 | 600.00   |
| Supervisor of Streets .....                                  | 150.00   |
| City Poundkeeper .....                                       | .....    |
| Sexton .....                                                 | .....    |
| Watermaster and assistants .....                             | 300.00   |
| Surveyor .....                                               | .....    |
| Attorney .....                                               | 125.00   |
| Inspector of Buildings .....                                 | .....    |
| Sealer of Weights and Measures .....                         | .....    |
| Superintendent of Water Works. ....                          | .....    |

## BOARD OF HEALTH:

|                      |       |
|----------------------|-------|
| Health officer ..... | 20.00 |
| Secretary .....      | ..... |
| Members, each .....  | ..... |

Salaries shall be definite, Art. XXI. Con. p. 4, §.

Id. Not to be changed during term, §225, p. 31.

Justice pro tem., §242, p. 36.

SEC. 236. **Salaries, when paid.** Salaries shall be paid in equal quarterly installments, at the end of March, June, September and December. The recorder shall issue

warrants upon the city treasurer for the payment of said salaries.

#### FEES OF CITY OFFICERS.

##### SEC. 237. **Justice of the peace. Criminal cases.**

The city justice of the peace shall collect the following fees:

For docketing each case, twenty-five cents.

For issuing supœna, including all witnesses required, twenty-five cents.

For each venire, fifty cents.

For hearing any motion or demurrer, for each hour or fraction thereof, fifty cents.

For entering final judgment, fifty cents.

For each dismissal or continuance, twenty-five cents.

For swearing the jury, twenty-five cents.

For filing each paper, ten cents.

For administering oath or affirmation to other than witnesses, twenty-five cents.

For swearing each witness, ten cents.

For preparing and certifying transcript on appeal and transmitting papers, one dollar.

For all charges for making up and transmitting papers on change of venue, one dollar.

For each warrant of arrest or search warrant, fifty cents.

For each commitment to jail, fifty cents.

For taking recognizance or bail, fifty cents.

For entering judgment for fine or other punishment, fifty cents.

For order of discharge to jailor, twenty-five cents.

For hearing testimony or argument on the trial of a criminal case or proceeding, per day, three dollars; *provided*, that where proceedings in any case occupy portions of more than one day, not more than one per diem compensation shall be charged unless the total number of hours occupied in the trial or hearing shall exceed six hours, in which



case six hours shall be reckoned as a day for the purpose of fixing per diem compensation.

SEC. 238. The justice of the peace shall collect such other fees as are provided for by law.

Fees to be paid in full compensation, Con. art. XXI, Sec. 2, p. 5.  
Accounting monthly, Sec. 10, p. 86. Civil fees, etc., Sec. 978, pp. 296, 297.

SEC. 239. **Id. Marshal and police.** The following fees shall be collected for the services rendered by the marshal and police:

For serving summons, for first party served, one dollar; for each additional defendant served, fifty cents.

For each copy of summons for service, when made by him, twenty-five cents.

For levying writ of attachment or of execution, or for executing order of arrest or order for the delivery of personal property, two dollars.

For keeping personal property, such sum as the court may order; but not more than three dollars per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, including justification, fifty cents.

For copies of writs and other papers, except summons, complaints, or subpœnas, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except a subpœna, for the first person, one dollar; for each subsequent person, fifty cents.

For writing and posting notices of sale of property, one dollar.

For furnishing notice for publication, twenty-five cents.

For serving subpœnas, each witness, twenty-five cents.

For collecting money on execution, three per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering deed, two dollars.

For each mile necessarily traveled in the service of any

writ, order, or paper, except a warrant of arrest, in going only, fifteen cents.

For each mile traveled in executing a warrant of arrest, both in going to and returning from place of arrest, fifteen cents; *provided*, that in serving any process in any criminal case, the marshal or police shall not be entitled to mileage for distance traveled outside the city, except such service be authorized in writing by the attorney; and *provided further*, that when traveling in the performance of two or more services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged.

For arresting prisoner and bringing him into court, two dollars.

For summoning a jury, one dollar.

When in the cases prescribed by law, they shall perform the duties of sheriff, they shall be entitled to collect the same fees that the sheriff would have been entitled to collect for such services.

**SEC. 240. Id. Poundkeeper.** The poundkeeper shall collect the following fees:

For taking into his possession any animal, or animals, if found together, fifty cents.

For driving such animal or animals, each mile, ten cents.

For advertising, including posting and mailing notices, one dollar.

For each bill of sale, including filing copy with the recorder, twenty-five cents; *provided*, that all animals sold to one person shall be included in one bill of sale.

For branding, twenty-five cents for the first, and ten cents for each additional animal.

For selling animals, five per cent. of the amount of the sale.

For keeping animals, a reasonable sum, to be determined by the market price of forage and pasturage at the time the animals are kept.

**SEC. 241. Id. Sexton.** The sexton shall collect from those requiring his services the following fees:

|                                                                               |        |
|-------------------------------------------------------------------------------|--------|
| For furnishing and staining a plain coffin per foot running measure . . . . . | \$1.00 |
| For digging grave four feet in length and under . . . . .                     | 2.50   |
| For all graves over four feet in length . . . . .                             | 3.00   |

All graves shall be not less than six feet in depth, and the above fees shall include the replacing of the earth in the graves dug by said sexton.

|                                                                                     |        |
|-------------------------------------------------------------------------------------|--------|
| For carrying coffin to any part of the city, per mile or fraction thereof . . . . . | \$ .50 |
| For furnishing and erecting head and foot boards . . . . .                          | 1.00   |
| For describing the boundary of any lot . . . . .                                    | .25    |
| For conveying the dead from any part of the city to the burying ground . . . . .    | 2.50   |
| For recording as required in this article . . . . .                                 | .25    |

**SEC. 242. Id. Surveyor.** The surveyor shall collect from those requiring his services the following fees:

|                                       |        |
|---------------------------------------|--------|
| Per day . . . . .                     | \$3.50 |
| For part of a day, per hour . . . . . | .50    |

**SEC. 243. Id. Inspector of buildings.** The inspector of buildings shall collect from those requiring his services:

|                                       |        |
|---------------------------------------|--------|
| Per day . . . . .                     | \$2.50 |
| For part of a day, per hour . . . . . | .50    |

**SEC. 244. Id. Sealer of weights and measures.** The sealer of weights and measures shall collect the following fees:

For each examination, testing, sealing and certifying as required from the owner of the same, to wit:

For any steelyards, beam, ground, floor, platform, counter, or other scales, by which may be weighed not exceeding one hundred pounds, seventy-five cents.

For any such instrument by which may be weighed over one hundred pounds and less than six hundred pounds, one dollar.

Over six hundred pounds, one dollar and fifty cents.

For any nests or sets of measures, seventy-five cents.

For any yard stick, dry or liquid measure, twenty-five cents.

**SEC. 245. Jurors in justices' courts. Per diem and mileage.** Every juror in a justice's court who is sworn to try the cause, and every juror serving at an inquest, is entitled to one dollar and fifty cents per day, and for each mile actually traveled in attending court or an inquest, in going only, twenty cents.

**SEC. 246. Id. Witnesses.** Witnesses in justices' courts and those attending on inquests when legally required to attend, are entitled to one dollar per day, and for each mile actually traveled, in going only, twenty cents.

Officers not entitled to fees, sec. 1005, p. 302, R. S.

Double fees forbidden, sec. 1096, p. 302, R. S.

Interpretors fees, sec. 1007, p. 302, R. S.

Accounting monthly, sec. 10, p. 86.

Fees generally, secs. 1015-1033, pp. 63-65.

Jurors and witnesses, secs. 999, 1000, p. 301, R. S.

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## CHAPTER XIX.

### CLAIMS AND WARRANTS.

**SEC. 247. Form. Time of presentation.** The city council shall not hear or consider any claim of any person against the city, nor shall the council credit or allow any claim or bill against the city, unless the same is itemized, giving names, dates, and particular service rendered, nor until it has been passed upon by the recorder. If for materials furnished, to whom, by whom ordered, quantity and price agreed upon. Every claim against the city must be presented to the recorder within a year after the last item of the account or claim accrued. In all cases claims shall be duly verified as to their correctness and as to the fact that they are justly due, by the claimant or his authorized agent. If the council shall refuse to hear or consider

a claim because it is not properly made out, it shall cause notice of the fact to be given to the claimant, and shall allow sufficient time for the same to be properly itemized and verified.

**SEC. 248. Id. Allowance or rejection.** When the council finds that any claim presented is not payable by the city, or is not a proper city charge, it must be rejected. If it is found to be a proper city charge, but greater in amount than is justly due, the council may allow the claim in part, and may order a warrant drawn for the portion allowed. If the claimant is unwilling to receive such amount in full payment, the claim may be again considered by the council.

**SEC. 249. Officers not to advocate the claims of others.** No city officer shall, except for his own services, present any claim, account or demand for allowance against the city, nor in any way advocate the relief asked in the claim or demand made by any other. Any person may appear before the council and oppose the allowance of any claim or demand made against the city.

**SEC. 250. Warrants. Registration. Payment.** Warrants drawn by order of the city council on the city treasury for current expenses during each year, must specify the liability for which they are drawn, when they accrued, and the funds from which they are to be paid, and must be paid in the order of presentation to the treasurer. If the fund is insufficient to pay any warrant, it must be registered, and thereafter paid in the order of registration.

**SEC. 251. Certification of bonds and warrants.** The city recorder shall endorse a certificate upon every bond, warrant, or other evidence of debt, issued pursuant to law or ordinance by him, that the same is within the lawful debt limit of the city, and is lawfully issued. He shall sign such certificate in his official character.

**SEC. 252. Id. Debt limit.** Warrants for interest on the bonded debt, for salaries, and for the current ex-



penses of the city, may be certified by the city recorder, to be within the lawful debt limit of the city, whenever the same, together with all other indebtedness of the city shall not exceed the amount of the indebtedness of the city at the time of the admission of this State of Utah into the Union, in addition to the whole amount of taxes of the city for the year in and for which such warrant or warrants are issued.

**SEC. 253. Recorder certifying, when protected.** Whenever the city council shall find or declare that any appropriation or expenditure for which a warrant or warrants are to be issued, was or is for interest upon the bonded debt, for salaries, or for the current expenses of the city, such finding or declaration shall conclusively protect the city recorder as to such facts, in certifying any warrant or warrants therefor to be within the lawful debt limit of the city.

Penalty, § 149, p. 7.

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## CHAPTER XX.

### CITY SEAL.

**SEC. 254. Impression.** The seal provided for Ephraim city, circular in form, one and five-eighths inches in diameter, the impression on which is two circles, "Star, Ephraim City, Utah, star, Corporate Seal," and within the inner circle, a representation of a beehive and branches; shall be, and the same is hereby established and declared to be the seal of Ephraim city.

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## RAILROAD FRANCHISE.

AN ORDINANCE GRANTING THE RIGHT OF WAY TO THE  
RIO GRANDE WESTERN RAILWAY COMPANY INTO  
AND THROUGH THE CITY OF EPHRAIM.

**SECTION 1.** Be it ordained by the city council of the city of Ephraim: That the Rio Grande Western Railway Company is hereby authorized to locate, grade, and con-

struct their said railway into and through this city; and the right of way is hereby granted to the said Rio Grande Western Railway Company to use and occupy the necessary portion of the east half of what is known as "B" West Street, beginning at the north side of Third North Street, the said point being three thousand three hundred and sixty-six and three-tenths feet west, and two thousand six hundred and seven feet south of the northeast corner of section four, township seventeen south, range three east, Salt Lake Meridian, thence running south two degrees and ten minutes, west four thousand and thirteen feet to a point on the south side of Third South Street, said point being one thousand eight hundred and seventy-five feet east and one thousand five hundred and thirty-nine feet south of the southeast corner of said section four, township seventeen south, range three east, Salt Lake Meridian, and the said railway company is also authorized to lay all tracks, turn-outs and switches upon and along the said street necessary for the use of said railway company, and to run their locomotives and trains of cars upon and over the same at such rate of speed and under such other regulations as may be, from time to time, fixed by the city council; *provided*, the rights and privileges above granted shall not be exclusive or prevent the city council from granting to any other railroad company the right-of-way upon the same street in such manner as not to interfere with the rights herein granted.

SEC. 2. The grant made in the preceding section is upon the express conditions that the said Rio Grande Western Railway Company shall construct their road and grade to conform to the grade of the streets across and upon which it is built whenever and wherever such grade may be established by the city council. Said railway company shall construct and keep in constant repair all crossings of said railway track, and all cross-walks and bridges wherever said railway shall cross any street, road, alley or sidewalk and all crossings rendered or made necessary for private use by reason of the construction or maintaining of said tracks for the use of the inhabitants on said street, and shall restore and keep in constant repair all water-sects, canals and ditches and flumes intersected by their said railway in the city, all to be done, kept in repair and constructed to the ac-

ceptance of the street supervisor and watermaster. Said railway company shall not be permitted to dig up or excavate any portion of said street; and all earth or other material necessary to the construction of said track shall be conveyed upon said street; and said track shall be so constructed and maintained by said company as to leave the same in as safe and convenient condition as possible for the use of the public; said railway company shall run their trains into and through this city within six months from the date of the passage of this ordinance.

SEC. 3. A violation of any of the conditions and stipulations mentioned in the preceding section, by said railway company shall render void and revoke the grant made in section one of this ordinance.

SEC. 4. The preceding grant and each and every part thereof, and the conditions and stipulations hereinbefore contained shall be deemed and taken to be accepted by the said Rio Grande Western Railway Company upon their constructing their said railway track upon said street, and immediately upon the commencement of the construction of said track, shall be considered and construed as a contract between the city of Ephraim by the city council thereof, and the Rio Grande Western Railway Company and shall be and remain in force and irrevocable as a contract during the corporate existence of the said Rio Grande Western Railway company unless the same shall, for breach thereof, be declared void, and forfeited by said railway company.

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## AN ORDINANCE

GRANTING A FRANCHISE TO THE SANPETE VALLEY RAILWAY COMPANY, TO CONSTRUCT AND OPERATE A LINE OF RAILWAY THROUGH AND ACROSS CERTAIN STREETS IN THE CITY OF EPHRAIM.

SECTION. 1. Be it ordained by the city council of the city of Ephraim: That the Sanpete Valley Railway Company, a corporation duly organized under the laws of Utah Territory, its successors and assigns have the authority and consent of the city council, and the permission is hereby granted it, of constructing and permanently operating a line of railway in, through and across certain streets of the city of Ephraim as follows, to wit: Beginning at the north side

of Third North Street, thence south on the west side of "B" West Street to the south side of Third South Street. Also the right to lay a side track west of main track at depot.

SEC. 2 That said main track of said railway, shall be laid to the east side of the west half of "B" West Street, as near thereto as can be safely done taking into consideration the present location of the tracks of the Rio Grande Western Railway Company already located and operated on the east half of said "B" West Street.

SEC. 3. The conditions upon which this franchise is granted and accepted, are that said railway company shall at its own expense construct and keep in good repair all water sects crossing said street, and shall grade and ballast said street to the extent of one-half of the same, to wit: The west half, to the center of the street, making the grade of said street conform to the grade of the line of railway so laid or to be laid, said construction of water sects and the grading and ballasting of said street to the centre thereof to be done in such a manner as not to impede wagon travel on the west half of said street, and to be done to the acceptance and approval of the duly constituted acting water-master and street supervisor of the city of Ephraim; a failure of said railway company at any time to keep or put said street in such condition for travel, shall be sufficient to authorize the city council upon due notice to said company to revoke this franchise.

SEC. 4. And be it further ordained, that said grantee shall in all respects be subject to all such rules, regulations and ordinances of the city of Ephraim as now are or hereafter may be enacted or adopted, and the penalties prescribed for their violation the same as other corporations and persons.

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## RESOLUTION

REGARDING LOCATION OF SANPETE VALLEY RAILROAD DEPOT.

Resolved by the city council that said petition of the San Pete Valley Railway Company be granted in such a manner that the company be and is hereby given permission to keep and continue their said station building on the present location until such a time as the city council shall deem it necessary to order its removal from the street.

## CHAPTER XXI.

RESOLUTIONS, CONTRACTS, AND FRANCHISES OF THE CITY  
PERPETUATED.

SEC. 260. **Franchises, Contracts, and Resolutions, Id.** All franchises, resolutions, grants and contracts of the city in force and effect when the "Revised Ordinances" are passed and approved, and not repugnant to the provisions thereof, are hereby perpetuated and continued in full force and effect until the same shall be expressly repealed.

Passed by the City Council on the 1st day of May,  
A. D. 1899.

Approved by the Mayor on the 1st day of May,  
A. D. 1899.

J. P. HANSON, Mayor.

By the Mayor.

Attested:

ADOLPH HANSON, Recorder.





CERTIFICATE AND AUTHENTICATION.

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STATE OF UTAH,

CITY OF EPHRAIM.

I, Adolph Hanson, Recorder of Ephraim City, do hereby certify that the foregoing "Revised Ordinances," containing 21 chapters, and sections numbered from 1 to 255 consecutively, was duly passed by the city council of said city, on the 1st day of May, 1899, by the following vote to wit: Yeas 5, Nays 0, and approved by the mayor of said city on the 1st day of May, 1899.

That the foregoing is a full, true and correct copy of the original "Revised Ordinances" now on file in my office, and that the same is published by authority of said city.

In testimony whereof, I have hereunto set my hand, and affixed the corporate seal of said city, on this 1st day of May, A. D. 1899.

ADOLPH HANSON,

Recorder of said City.

# APPENDIX.

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## Rules and Order of Business OF THE CITY COUNCIL.

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### ORDER AND DECORUM.

RULE 1. When any member wishes to speak, or deliver any matter to the council, he shall respectfully address himself to the president, and shall not proceed until he shall have been recognized by him.

RULE 2. While the president is putting a question or a count is being had, no member shall speak or leave his place.

RULE 3. No member shall speak more than once on the same general question, without the unanimous consent of the council, until every member desiring to speak, shall have spoken.

RULE 4. If any member in speaking, transgresses any rule of the council, the president shall, or any member may, call to order, and the member so called to order shall imme-

diately cease speaking unless he explains or proceeds in order.

RULE 5. The president shall decide all points of order subject to an appeal to the council.

RULE 6. No person, not a member of the council, shall be permitted to address the same, except by consent of the majority of the council.

#### ORDER OF BUSINESS.

RULE 7. The order of business shall be as follows:

- 1.—Roll call.
- 2.—Prayer.
- 3.—Reading of minutes of last meeting.
- 4.—Presentation of petitions and other communications.
- 5.—Unfinished business.
- 6.—Reports of committees.
- 7.—Reports of city officers.
- 8.—Claims.
- 9.—Miscellaneous business.

RULE 8.—The first reading of a bill for an ordinance shall be for information; it may then be committed, postponed, laid on the table, or rejected, or it may pass to its second reading, when it shall be opened for debate, amendment or such order as the council may make. Every bill shall receive three several readings in the council previous to its passage. The second and third readings may be by title.

RULE 9. Whenever any ordinance or resolution is passed by the council it shall be signed by the mayor, or if he did not preside at the passage thereof, the mayor pro tempore; the recorder shall add the date of the passage thereof, attest the same with his signature and the corporate seal, and file the same in his office.

RULE 10. Every motion or resolution shall be first

stated by the president, or read by the recorder before debate, and immediately before putting the question; and shall be reduced to writing if the president or any two members desire it, and every member present shall vote.

RULE 11. When a question is before the council, no motion shall be received, except the motions herein specified, which shall have precedence in the order herein stated:

- 1.—To adjourn.
- 2.—To lie on the table.
- 3.—For the previous question.
- 4.—To postpone indefinitely.
- 5.—To postpone to a certain day.
- 6.—To commit to a standing committee.
- 7.—To commit to a special committee.
- 8.—To commit to the committee of the whole.
- 9.—To amend.

RULE 12. The motion to adjourn, to lie on the table, or for the previous question, shall be decided without debate, and the motion to adjourn shall always be in order except:

- 1.—When a member is in possession of the floor.
- 2.—While the yeas and nays are being called.
- 3.—When the members are voting.
- 4.—When adjournment was the last preceding motion.
- 5.—When it has been decided that the previous question shall be taken.

RULE 13. A motion to adjourn to a given day is open to amendment and debate.

RULE 14. A motion to lie on the table conditionally, is subject to amendments and debate.

RULE 15. When a question is postponed indefinitely, it shall not be taken up again before the next regular meeting.

RULE 16. A motion to amend an amendment shall be

in order, but a motion to amend an amendment to an amendment shall not be entertained.

RULE 17. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order.

#### RECONSIDERATION.

RULE 18. No motion to reconsider any vote shall be in order, unless one of the majority voting thereon shall move such reconsideration; a motion to reconsider being put and lost, shall not be renewed without unanimous consent.

#### THE PREVIOUS QUESTION.

RULE 19. By a majority vote the previous question may be ordered on the main question (the passage of the bill, resolution or other matter under consideration) or on any pending amendment; when moved on the main question it shall be as follows: "Shall the main question be now put to vote?" when moved on a pending amendment it shall be as follows: "Shall the amendment be now put to vote?" If the motion for the previous question on an amendment is carried, such amendment shall be immediately put to vote without further debate, motion or amendment. If the motion is carried that the main question be now put to vote, there shall be no further debate, motion or amendment, and the vote shall be taken (1) on pending amendments, if any, in their order, and (2) on the main question. If the motion for the previous question is lost, the council shall proceed with the question and motions pending, the same as if the motion for the previous question had not been made, but such motion shall not be renewed until there has been further debate or amendment.

#### EXECUTIVE SESSIONS.

RULE 20. Whenever confidential communications are



received from any officer of the city, or whenever the president or any other member shall inform the council that he has communications to make which he conceives ought to be kept private, the council chamber shall be cleared of all persons except the members, recorder, marshal and attorney, and so continue during the reading or receiving of such communications, and (unless otherwise ordered by the council) during all debate and proceedings to be had thereon.

RULE 21. Any member or officer who shall disclose the confidential business or proceedings of the council, shall be reprimanded by the president for the first offense, and for the second offense he shall be liable to suffer expulsion, if a member; and if an officer, to dismissal from service.

#### COMMITTEE OF THE WHOLE.

RULE 22. When the council shall be ready to go into committee of the whole, the president shall appoint a chairman to preside therein. The same rules shall be observed as in the council so far as applicable; except that the "previous question" shall not apply, nor shall the number of times a member may speak be limited, nor the yeas and nays taken.

RULE 23. A motion to rise and report shall be in order at any stage, and shall be decided without debate.

RULE 24. Bills for ordinances and other matters shall be considered in committee of the whole, in the following manner, viz: they may be first read through if the committee so direct, otherwise they shall be read and considered by sections, leaving the title to be last considered.

#### STANDING AND SPECIAL COMMITTEES.

RULE 25. The standing committees of the council shall be appointed by the mayor bi-ennially, on entering upon the duties of his office, and shall consist of not less

than three members each, and the first person named on the committee shall be the chairman thereof.

The following shall be the standing committees of the council:

- 1.—On Finance.
- 2.—On Claims.
- 3.—On Police and City Prison.
- 4.—On Public Grounds and City Property.
- 5.—On Streets and Lighting.
- 6.—On Irrigation and Water Works.
- 7.—On Engrossing and Printing.
- 8.—On Fire Department.

RULE 26. All special committees shall consist of three members each, unless some other number be specified, and the first person named shall be chairman.

RULE 27. Every special committee shall be appointed by the president, unless otherwise provided in the motion for appointment.

RULE 28. On the acceptance of a final report from a special committee, the said committee shall be considered discharged.

#### REPORTS OF COMMITTEES.

RULE 29. Standing and special committees, to whom references are made, shall in all cases report thereon at the next regular session of the council in writing.

#### DUTIES OF RECORDER.

RULE 30. The recorder shall forward or deliver every paper referred, to the chairman of the committee, not later than three days after the reference shall have been made.

RULE 31. If the recorder shall be more than thirty minutes late in attending any meeting of the council he shall forfeit the sum of one dollar for each and every time it shall occur.

RULE 32. If any member of the council shall be more than thirty minutes late to any council meeting, the recorder shall designate the same by proper marks on the roll, and said member shall forfeit the sum of one dollar.

SUSPENSION AND AMENDMENTS.

RULE 33. These rules may be temporarily suspended by a two-thirds vote of the members present, but not to be repealed or amended unless by the concurrence of two-thirds of all the members of the council.



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## ERRATA

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Page 27. Sub. 88, line 12, strike out "not" after "sum."

Page 37, Sec. 247, line 1, add "force" after "police."

Page 46, Sec. 266, line 13, "provided" should read required."

Page 48, Sec. 269, line 7, "thereof" should be "therefor."

Page 52, Sec. 279, between lines 22 and 23, insert "district, or according to such other rule as the council may adopt for such distribution or adjustment of such costs upon the lots or real estate of such"

Page 54, Sec. 287, line 8, "property" should be "territory."

Page 69, Sec. 1369, after line 16, insert "be levied and collected as other general taxes of said city or town, and shall be known as the 'library fund,' *provided*, that such tax shall"

Page 112, Sec. 115, in line 14 in lieu of "be the" read "provide a"

Page 123, Sec. 148, in line 23 in lieu of "\$5.00" read "\$2.50," and omit the word "dancing."













































UNIVERSITY OF ILLINOIS-URBANA

352.0792 EP30R1 C001

Revised ordinances of Ephraim city : Inc



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